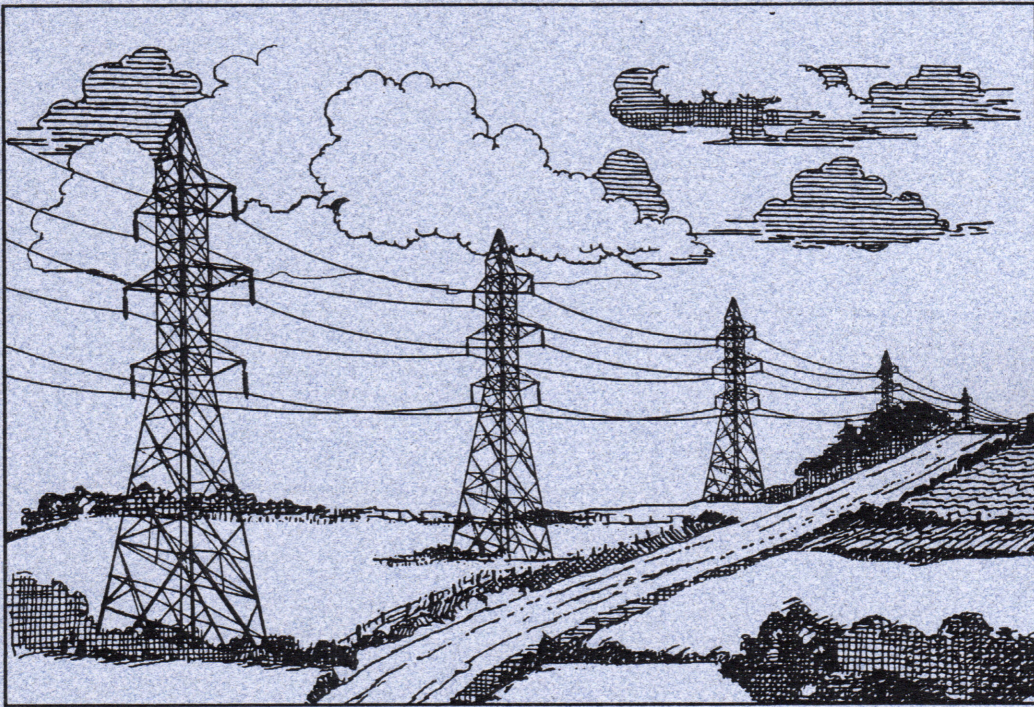


**TWENTY-SECOND BIENNIAL REPORT  
OF  
THE NEBRASKA POWER REVIEW BOARD**



**to the  
Governor of Nebraska  
July 1, 2020 through June 30, 2022**

## **INTRODUCTION**

The Nebraska Power Review Board is pleased to present its Biennial Report covering the period of July 1, 2020 through June 30, 2022. The report is prepared in compliance with the requirements set out in Neb. Rev. Stat. § 70-1003(5). The report contains information on the Board's budget and activities during the two-year period, and provides a brief description for each application upon which the Board took action. These include applications for generation facilities, transmission facilities located outside a power supplier's service area, amendments to retail service area agreements, and amendments to public power district charters.

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## BOARD MEMBERS

Chair .....	Frank Reida, Omaha Term expires January 1, 2023
Vice Chair .....	Chuck Hutchison, Bellevue Term expires January 1, 2025
Member .....	Dennis Grennan, Columbus Term expires January 1, 2022 (serving until replacement can be appointed and confirmed)
Member .....	Greg Moen, Norfolk Term expires January 1, 2025
Member .....	Bridget Peck, Scottsbluff Term expires January 1, 2026

## STAFF

Executive Director and General Counsel .....	Timothy J. Texel
Business Manager .....	Rebecca Hallgren
Paralegal .....	Sara Birkett

## STATISTICAL SUMMARY OF BOARD ACTIVITIES

July 1, 2020, to June 30, 2022

	<u>2020-2021</u>	<u>2021-2022</u>
Number of Board Meetings -----	09	11
Hearings Before the Power Review Board:		
Formal Complaints -----	1	2
Hearings-----	0	1
Construction Applications:		
Approved New Generation Facilities <sup>1</sup> -----	2	2
Microwave Communication Facilities <sup>2</sup> -----	0	0
Transmission Lines Over ½ Mile Outside Applicant's Service Area <sup>3</sup> -----	3	4
TOTAL Approved Generation & Transmission Applications to Date-----	1,646	1,652
Generation & Transmission Applications Denied In Current Biennial Period -----	0	0
TOTAL Denied Applications to Date -----	29	29
Privately Develop Renewable Energy Generation Facility -----	11	1
Transmission Lines ½ Mile or Less Outside a Power Supplier's Service Area <sup>4</sup> -----	19	13
TOTAL Lines Approved to Date -----	2,124	2,137
Applications Withdrawn or Dismissed to Date -----	80	82
Amendments to Service Area Agreements and Public Power District Charters:		
Retail Service Area Amendments-----	5	3
TOTAL Retail Service Area Agreements <sup>5</sup> -----	419	419
Wholesale Service Area Amendments -----	0	0
TOTAL Wholesale Service Area Agreements-----	22	22
Petitions to Amend Public Power District Charters <sup>6</sup> -----	2	20

<sup>1</sup> During the July 1, 2020 through June 30, 2022, biennial period the Board approved a total of 4 applications for generation facilities for an estimated total cost of \$659,500,000.

<sup>2</sup> During the July 1, 2020 through June 30, 2022, biennial period the Board approved a total of 0 applications for microwave facilities.

<sup>3</sup> During the July 1, 2020 through June 30, 2022, biennial period the Board approved 7 applications for transmission lines for an estimated total cost of \$75,312,123.

<sup>4</sup> Applications for construction of transmission lines one-half mile or less outside a power supplier's service area do not require formal approval by the Board if the affected service area holders consent to the project. An application must still be filed with the Board to satisfy notice requirements pursuant to Title 285, Nebraska Administrative Code, Chapter 2, section 3. During the July 1, 2020 through June 30, 2022, biennial period the Board received 32 applications for a total estimated cost of \$1,468,514.15.

<sup>5</sup> Total number of agreements, both active and terminated.

<sup>6</sup> Public power district charters are also commonly referred to as "petitions for creation." Once a district's petition for creation is approved, it becomes the district's charter. See *Custer Public Power District v. Loup River Public Power District*, 162 Neb. 300, 75 N.W. 2d 619 (1956).

## EXPENDITURE REPORTS

	2020-21	2021-22
<b>PERSONAL SERVICES</b>		
Salaries, wages, and per diems	233,616.93	220,947.35
Benefits	92,453.41	94,154.86
<b>TOTAL</b>	326,070.34	315,102.21
 <b>OPERATING EXPENSES</b>		
Postage	1,520.48	1,405.46
Data Processing Expense	4,913.74	5,281.81
Publications & Printing	3,118.48	3,727.82
Awards	0.00	86.16
Dues and Subscriptions	3,566.00	3,719.75
Conference Registrations	1,170.00	1,300.00
Training Registration	227.00	300.00
Rent Expense -Building	13,332.96	11,930.28
Rent Depreciation Surcharge	5,153.52	4,081.80
Office Supplies	1,080.96	2,175.48
Non-Capitalized Equipment	593.97	0.00
Accounting and Auditing Services	603.00	616.00
Purchasing Assessment	287.00	200.00
Legal Related Expenses	4,068.75	1,432.00
Engineer & Architectural Services (SPP contractor)	178,824.00	165,550.00
Management Consultant Services	8,500.00	8,650.00
IT Consulting-Other	888.00	888.00
Janitorial/Security Services	120.00	120.00
Software Renewal/Maintenance Fee	0.00	0.00
Software -- New Purchase	0.00	0.00
Educational Services	38.00	41.25
Insurance Expense	54.59	62.53
Surety & Notary Bonds	70.00	0.00
<b>TOTAL</b>	228,130.45	211,568.34
 <b>TRAVEL EXPENSE</b>		
Board and Lodging	310.74	1,742.57
Taxable Travel Expenses	14.70	408.48
Commercial Transportation	0.00	548.46
Personal Vehicle Mileage	3,658.15	6,507.99
Miscellaneous Travel	141.50	376.00
<b>TOTAL</b>	4,125.09	9,583.50
 <b>GRAND TOTAL</b>	 558,583.87	 536,254.05

## **GENERATION FACILITIES**

**PRB-3931-G**  
**Omaha Public Power District**

On September 16, 2020, Omaha Public Power District filed two applications to construct a combined total of approximately 600 megawatts of generation facilities. PRB-3931-G is an approximately 450 megawatt natural gas simple-cycle combustion turbine generation facility. The total estimated cost of the unit is \$394,000,000. The generation station itself will cost \$362,000,000, and other related facilities will cost \$32,000,000. The commercial operation of the facility is estimated to be in the spring of 2023. The related facilities include a substation and dedicated interconnection transmission facilities. The location of the facility is near the intersection of 168<sup>th</sup> Street and Fairview Road, in the northwest quarter of Section 15, Township 13, Range 11 East, Sarpy County, Nebraska. A Notice of Filing and Hearing Date was sent out to all interested parties in this application. The notice was sent to Omaha Public Power District, Lincoln Electric System, Municipal Energy Agency of Nebraska, Nebraska Public Power District, City of Auburn, City of Fremont, City of Nebraska City, City of Tecumseh and City of Wahoo. The Notice was sent to the power suppliers with generation assets that are within a fifty-mile radius of the proposed facility, and therefore are potentially interested in the proceeding. A public notice was also placed in the local newspapers. The newspapers in which the notices were published were the *Omaha World Herald* on September 24, 2020, and the *Papillion Times*, and the *Gretna Breeze* on September 30, 2020. On October 13, 2020, the Sierra Club filed a Petition to Intervene and a Motion for Continuance in PRB-3931-G and 3932-G. On October 16, 2020, OPPD filed a Brief in Opposition to the Sierra Club's Petition for Intervention. On October 19, 2020, a hearing was convened to address the issue of whether the Sierra Club had standing to intervene in the proceeding. The Board determined that the Sierra Club failed to demonstrate that the organization would be, or reasonably could be, directly affected by the approval of either of OPPD's proposed generation facilities. The Board determined that the Sierra Club and two of its members did not meet the common law requirements for standing, and therefore denied the Sierra Club's Petition for Intervention. On October 19, 2020, the Board held an evidentiary hearing to receive testimony and facts on PRB-3931-G and PRB-3932-G. The Board consulted with the Nebraska Game and Parks Commission as required under Nebraska Revised Statute 37-807(3). The Commission stated the project area is within the range of the threatened Western Prairie Fringed Orchid and the Northern Long-Eared Bat. The site does not have suitable habitat for the species nor any records of those species within the area. The Commission therefore determined that PRB-3931-G will have "No Effect" on state-listed endangered or threatened species, and the Commission did not object to the Board's approval of the project. Board member Dennis Grennan recused himself from participating in the discussion, deliberations or decision on applications PRB-3931-G and PRB-3932-G. Mr. Grennan works for HDR, Inc., an engineering firm that had performed work on the two projects. Although Mr. Grennan has not personally worked on the projects and the Nebraska Accountability and Disclosure Commission determined he did not have a conflict of interest under Nebraska law, Mr. Grennan decided to recuse himself from any involvement in the two applications. At the Board's October 19, 2020, public meeting, the Board voted 4-0 to approve PRB-3931-G.



**PRB-3932-G**  
**Omaha Public Power District**

On September 16, 2020, Omaha Public Power District filed two applications to construct a combined total of approximately 600 megawatts of generation facility. PRB-3932-G is an approximately 150 megawatt natural gas reciprocating internal combustion engine generation facility. The total estimated cost of the unit is \$257,000,000. The station itself will cost \$240,000,000 and the related facilities will be \$17,000,000. The commercial operation of the facility is estimated to begin in the spring of 2023. The location of the facility is southeast of the intersection of 120<sup>th</sup> Street and Military Road, in the northwest quarter of Section 32, Township 16, Range 12 East, in Douglas County, Nebraska. A Notice of Filing and Hearing Date was sent out to Omaha Public Power District, Lincoln Electric System, Municipal Energy Agency of Nebraska, Nebraska Public Power District, the City of Fremont, the City of Nebraska City, the City of Wahoo, and the City of West Point. The Notice was sent to the power suppliers with generation assets within a fifty-mile radius of the proposed facility, and therefore are potentially interested in the proceeding. A public notice was also placed in the local newspapers. The newspapers in which the notice was published were the *Omaha World Herald* on September 24, 2020, and the *Papillion Times* and the *Gretna Breeze* on September 30, 2020. On October 13, 2020, the Sierra Club filed a Petition to Intervene and a Motion for Continuance in PRB-3931-G and 3932-G. On October 16, 2020, OPPD filed a Brief in Opposition to the Sierra Club's Petition for Intervention. On October 19, 2020, a hearing was convened to address the issue of whether the Sierra Club had standing to intervene in the proceeding. The Board determined that the Sierra Club and two of its members failed to demonstrate that the organization would be, or reasonably could be, directly affected by the approval of either of OPPD's proposed generation facilities. The Board determined that the Sierra Club did not meet the common law requirements for standing, and therefore denied the Sierra Club's Petition for Intervention. On October 19, 2020, the Board held an evidentiary hearing to receive testimony and facts on PRB-3931-G and 3932-G. The Board consulted with the Nebraska Game and Parks Commission as required under Nebraska Revised Statute 37-807(3). The Commission stated the project area is within the range of the Northern Long-Eared Bat. Although there are no records of those species within the area, there is suitable summer roosting habitat within the vicinity of the project site. Due to this, the Commission directed that tree clearing in the project area should not occur during the maternal roosting and pup-rearing season of June 1 to July 31. With the implementation of these mitigation measures, the Commission determined the project "May Affect, but is not likely to adversely Affect" the Northern Long-Eared Bats or other state-listed endangered or threatened species, and the Commission did not object to the Board's approval of the project. Board member Dennis Grennan had recused himself from participating in the discussion, deliberations or decision on applications PRB-3931-G and PRB-3932-G. Mr. Grennan works for HDR, Inc., an engineering firm that had performed work on the two projects. Although Mr. Grennan has not personally worked on the projects and the Nebraska Accountability and Disclosure Commission determined he did not have a conflict of interest under Nebraska law, Mr. Grennan decided to recuse himself from any involvement in the two applications. At the Board's October 19, 2020, public meeting, the Board voted 4-0 to approve PRB-3932-G.

**PRB-3949-ESR**  
**Omaha Public Power District**

On June 17, 2021, the Omaha Public Power District filed an application requesting authority to construct a one-megawatt electric energy storage resource (ESR) and related facilities. The total estimated cost is \$2,500,000. The battery storage unit is estimated at \$1,350,00 and the substation and switchyard is estimated at \$1,150,000. The ESR would be located at a substation approximately two miles west of the City of Weeping Water. OPPD's application was filed according to the guidelines set out in Guidance Document 14. Guidance Document 14 addresses jurisdictional and procedural aspects of applications for ESRs. A Notice of Hearing was sent to those power suppliers the board deemed to be potentially interested in PRB-3949-ESR. The Notice was sent to the City of Lincoln (LES), the Municipal Energy Agency of Nebraska (MEAN), Nebraska Public Power District, the City of Fremont, the City of Auburn, the City of Tecumseh, the City of Wahoo, and the City of Nebraska City. The Notice of Hearing was also sent to the OPPD and the City of Weeping Water. A public notice of the application and hearing date was provided to the general public by publication in the *Omaha World Herald* newspaper on Thursday June 24, 2021. Consent and Waiver forms were filed by LES, MEAN, and NPPD consenting to the approval of PRB-3949-ESR and waiving the hearing. The PRB did not receive a Protest or a Petition for Intervention from any power supplier or from the general public. Pursuant to Neb. Rev. Stat. section 37-807(3), the Board consulted with the Nebraska Game and Parks Commission. The Commission provided a letter dated June 24, 2021, addressing PRB-3949-ESR. The Commission stated that the project is within the range of the threatened Northern Long-Eared Bat and the Western Prairie Fringed Orchid. There are no records of those species within the vicinity of the project area, and the Commission noted that the work will be performed entirely within an existing substation area. The Commission therefore determined that PRB-3949-ESR will have "No Effect" on any state-listed endangered or threatened species, and the Commission did not object to the Board's approval of the project. The Board held an evidentiary hearing on July 12, 2021. OPPD gave testimony on the benefits of having this ESR located by Weeping Water. OPPD intends to use the ESR reduce its load and will not register the unit in the SPP market. This may change in the future as OPPD becomes more familiar with operating the battery unit. The location of the ESR was selected to enhance reliability and provide voltage support to a rural substation. This particular rural substation serves industrial load, which caused some fluctuations in the local grid. OPPD believes the location of the ESR will help alleviate the fluctuations. OPPD also indicated that it received a grant from the Nebraska Environmental Trust for \$600,000. The grant was specific to a battery storage system. OPPD also stated that the ESR unit cost would not have an impact on rates. At the Board's July 12, 2021, public meeting the Board voted 4-0 (with one member absent) to approve PRB-3949-ESR.

**PRB-3961-G**  
**Northeast Nebraska Public Power District**

On November 22, 2021, the Northeast Nebraska Public Power District filed an application to build or install a 1,600 kilowatt diesel generation unit in Pierce County, Nebraska, near the City of Osmond. The estimated total cost is \$600,000. The unit would be located north of the intersection of North State Street and 865<sup>th</sup> Road, Osmond, Nebraska. A Notice of Filing and Hearing Date was sent to those power suppliers that the Board deemed to be potentially affected by or interested in PRB-3961-G. The Notice was sent to the Municipal Energy Agency of Nebraska, Nebraska Public Power District, the City of Pender, the City of Neligh, the City of Wayne and the City of Wakefield. Public notice of the filing and hearing date was given to the general public by publication of the notice in the *Wayne Herald* newspaper on Thursday, December 2, 2021, and the *Osmond Republican* newspaper on Wednesday, December 1, 2021. Consent and Waiver forms were filed by NPPD, MEAN, the City of Wayne, the City of Wakefield and the Village of Pender consenting to approval of PRB-3961-G and waiving a hearing. No other power supplier or a member of the general public filed a Protest or a Petition for Intervention. Pursuant to Neb. Rev. Stat. section 37-807(3), the Board consulted with the Nebraska Game and Parks Commission. The Commission provided a letter dated December 2, 2021, addressing PRB-3961-G. The Commission stated that the project is within the range of the threatened Northern Long-Eared Bat, Small White Lady's Slipper, and the Western Prairie Fringed Orchid. The Commission determined the site has been previously disturbed, and the project will not include removal of any trees, so the project is not anticipated to have any impact on any state-listed threatened or endangered species. The Commission therefore determined that PRB-3961-G will have "No Effect" on any state-listed endangered or threatened species, and the Commission did not object to the Board's approval of the project. During the evidentiary hearing held January 12, 2022, the Board received testimony. The Board requested that Northeast NE PPD provide additional information concerning the cost proposal of other alternatives that might be available. This additional information provided evidence to the Board that this generator was the most economical and feasible option. Other options would cost more and would require the City of Osmond to be without power for a time. At the Board's February 18, 2022, public meeting the Board voted 4-0 (with one vacancy) to approve PRB-3961-G.

## **MICROWAVE COMMUNICATION FACILITIES**

**The Power Review Board did not receive any applications to construct a microwave communication facility during this biennial period.**

**TRANSMISSION LINE APPLICATIONS  
REQUIRING BOARD APPROVAL**

**PRB-3927**  
**Howard-Greeley Rural Public Power District**

On July 20, 2020, Howard-Greeley Rural Public Power District filed an application for authority to construct .8 mile of 3-phase subtransmission line in Valley County. The project will upgrade an existing line from 34.5 kilovolt (kV) to 69 kV and add a shield wire. The line was aging and needed new conductor, so it was a good time to upgrade the line as part of a reconductoring project. The line serves Howard-Greeley RPPD's current customers and substation. No new customers will be added as a result of the line upgrade. The portion of the line requiring approval is located in Loup Valleys RPPD's service area. Loup Valleys RPPD submitted a Consent and Waiver form. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. 37-807(3). In a letter dated August 4, 2020, the Commission determined the project is in the range of the endangered Whooping Crane and threatened Northern Long-Eared Bat, River Otter, and Small White Lady's Slipper. The Commission said there are no records of those state-listed species near the project site, and there does not appear to be suitable habitat for those species in the project area. The Commission determined that the project will have "No Effect" on any state-listed threatened or endangered species and did not object to the Board's approval of the project. At the Board's August 10, 2020 public meeting, the Board voted 5-0 to approve PRB-3927.

**PRB-3939**  
**Nebraska Public Power District**

On February 24, 2021, Nebraska Public Power District (NPPD) filed an application for authority to construct .566 mile of 115 kilovolt transmission line in Lancaster County. The line is located approximately one mile north of the Village of Hallam. The project would relocate a portion of an existing line to accommodate construction work at the Monolith company facility site. The line is located in Norris Public Power District's retail service area. The line interconnects to a Lincoln Electric System substation. Both utilities filed a Consent and Waiver form. The PRB consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. section 37-807(3). In a letter dated February 25, 2021, the Commission determined the project is in the range of the threatened Northern Long-Eared Bat and the Western Prairie Fringed Orchid. The Commission stated that there are mature trees in the project area the bats could use for maternity roosting. NPPD confirmed to the Commission that it would avoid any tree removal during the bat maternity roosting period of June 1 through July 31. With NPPD's assurance, the Commission determined that the project "May affect, but is not likely to adversely affect" any state-listed threatened or endangered species and did not object to the Board's approval of the project. At the Board's March 8, 2021, public meeting, the Board voted 5-0 to approve PRB-3939. The project was completed on April 29, 2021. The total completed cost was \$466,807.

**PRB-3943**  
**City of Hastings-Hastings Utilities**

On April 7, 2021, the City of Hastings Utilities filed an application for authority to construct .89 mile of 13.8 kilovolt distribution line in Adams County. The location is in the vicinity of the intersection of Showboat Boulevard and J Street. The estimated total cost of the project is \$676,000. The estimated completion date is September 30, 2021. The project will provide a backup service to several businesses in the area, including the Whelan Energy Center, MPH Racetrack, and Central Community College. The line would be located in the service area of Southern Public Power District. Southern PPD submitted a Consent and Waiver form consenting to the project without a hearing. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. statute 37-807(3). The Commission found that the project is in the range of the endangered Whooping Crane and the threatened Northern Long-Eared Bat. However, there are no records of those species in the project area, nor is there habitat for them. The Commission determined the project would have “no effect” on either species, and did not object to the PRB’s approval of this project. At the Board’s May 10, 2021, public meeting, the Board voted 5-0 to approve PRB-3943.

**PRB-3950**  
**Nebraska Public Power District**

On June 17, 2021, the Nebraska Public Power District filed an application to construct several 345 and 115 kilovolt transmission lines and a 345 kV substation and a 115 kV substation and related equipment. The application is a result of construction needed to serve the Monolith Materials facility north of Hallam, Nebraska. After submitting the application Monolith requested NPPD to reconfigure the construction to reduce some of the costs associated with the application. PRB-3950 would be replaced with a new application, designated PRB-3954. The PRB rules require that the Board vote to approve the withdrawal of any application once it is filed. At the Board’s September 13, 2021, public meeting, the Board voted 4-0 (with one absent) to approve the withdrawal of PRB-3950.

**PRB-3951**  
**Lincoln Electric System**

On July 1, 2021, the City of Lincoln a/b/a Lincoln Electric System filed an application to construct two 115 kilovolt transmission lines. The application is a result of construction needed to serve the Monolith Materials facility north of Hallam, Nebraska. This is also part of PRB-3950 submitted by NPPD. After submitting PRB-3950 and PRB-3951, Monolith requested NPPD to reconfigure the construction to reduce some of the costs associated with the applications. PRB-3951 would be replaced with a new application, designated PRB-3956. This application is for .45 mile of 115 kV transmission line and would not require formal approval from the Board. The PRB rules require that the Board vote to approve the withdrawal of any application once it is filed. At the Board’s September 13, 2021, public meeting, the Board voted 4-0 (with one member absent) to approve the withdrawal of PRB-3951.



**PRB-3954**  
**Nebraska Public Power District**

On August 18, 2021, Nebraska Public Power District filed an application for authority to construct 1.12 miles of 345 kilovolt (kV) line, 1.41 miles of 115 kV line and a 345 kV substation. This replaces the withdrawn application PRB-3950. The estimated total cost of the application is \$68,237,674. The estimated completion date is December 2023. The application is for proposed construction of transmission facilities needed to allow Norris Public Power District to provide retail service to the Monolith Materials manufacturing facility north of Hallam. NPPD will also acquire .73 mile of an existing 115 kV line currently owned by LES. The proposed facilities will be located in Norris PPD's retail service area. Both Norris PPD and LES submitted Consent and Waiver forms consenting to approval of the application and waiving a hearing. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. 37-807(3). In a letter dated August 19, 2021, the Commission determined the project is in the range of the threatened Northern Long-Eared Bat and Western Prairie Fringed Orchid. There is no suitable habitat in the project area for the Western Prairie Fringed Orchid. However, the area does have mature trees suitable for roosting by the Northern Long-Eared Bats. The roosting period is June 1 to July 31. NPPD agreed with the Commission that it will not remove any trees during the roosting period. Due to the time frame involved, the roosting period should not be an issue unless the project encounters very significant delays. Based on NPPD's confirmation, the Commission determined the project "May Affect, but is not likely to Adversely Affect" any threatened or endangered species. Therefore, the commission did not object to approval of this application. At the Board's September 13, 2021, public meeting, the Board voted 4-0 (with one member absent) to approve PRB-3956.

**PRB-3955**  
**City of Hastings d/b/a Hastings Utilities**

On August 18, 2021, the City of Hastings d/b/a Hastings Utilities filed an application for authority to construct .543 mile of 115 kV line, .773 mile of 13.8 kV line, and a transformer in an existing substation. The estimated total construction cost is \$5,000,000. The estimated completion date is June 30, 2023. The construction is in the Southern PPD's service area. The location is southeast of the intersection of Highway 6 and Coal Train Road, on the east side of Hastings. The construction will serve the new Heartwell Renewables bio-fuel facility. Southern PPD submitted a Consent and Waiver form consenting to approval of the application and waiving a hearing. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. 37-807(3). In a letter dated August 23, 2021, the Commission determined the project is in the range of the threatened Northern Long-Eared Bat and Whooping Crane. There is no suitable habitat in the project area for Whooping Cranes. However, the area does have mature trees suitable for roosting by the Northern Long-Eared Bats. The roosting period is June 1 to July 31. The construction will not occur during this time-frame so that is not an issue. Since Hastings Utilities confirmed there would be no tree removal, the Commission determined the project will have "No Affect" on any threatened or endangered species. Therefore, the commission did not object to approval of this application. At the Board's September 13, 2021, public meeting, the Board voted 4-0 (with one member absent) to approve PRB-3955.

**PRB-3957**  
**Norris Public Power District**

On September 7, 2021, the Norris Public Power District filed an application for authorization to construct .59 mile of 7.2 kV distribution line in Gage County. The estimated cost of the construction is \$21,449. The estimated completion date is October 21, 2021. The location of the service is in section 18, Township 5 North, Range 5 East, which is just North of West Chestnut Road near the Village of DeWitt. The application was filed on September 7, 2021. The line is needed to provide service to a residence, outbuildings and the wheels on a center pivot irrigation system. The line will be in DeWitt's retail service area. DeWitt submitted a Consent and Waiver Form. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. section 37-807(3). In a letter dated September 9, 2021, the Commission determined the project is in the range of the threatened Northern Long-Eared Bat. Because the project area is previously disturbed, and the project will not include any tree removal, the Commission determined the project will have no effect on any bats. The Commission did not object to approval of the application. DeWitt has an existing line that runs parallel to the proposed construction. The existing DeWitt line, which is overhead, is old and needs to be replaced. The proposed line will be underground to allow for a center pivot irrigation system. DeWitt's overhead line will be removed. At the Board's October 15, 2021, public meeting, the Board voted 4-0 (with one member absent) to approve PRB-3957.

**PRB-3968**  
**Southern Public Power District**

On April 18, 2022, Southern Public Power District filed an application for authority to construct 3.6 miles of 69kV three-phase transmission line. The estimated total construction cost is \$875,000. The estimated completion date is December 2022. The construction is in the City of Grand Island's service area. The location is approximately one and one-quarter mile north of the Central Nebraska Regional Airport. The line would be on the northern border of section 21 through 24, Township 12 North, Range 9 West of the Prime Meridian. A portion extends on the northern border of section 19, Township 12, North, Range 8 West, but that portion is in Southern PPD's service area and does not require PRB approval. The project is to convert an existing 34.5 kV line to 69 kV line. The proposed line will provide a 69kV feed between Southern PPD's substations. The City of Grand Island submitted a Consent and Waiver form consenting to approval of the application and waiving a hearing. The Board consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. 37-807(3). In a letter dated May 2, 2022, the Commission determined the project is in the range of the threatened Northern Long-Eared Bat and endangered Whooping Crane. There is no suitable habitat in the project area for Whooping Cranes. However, the area does have mature trees suitable for roosting by the Northern Long-Eared Bats. The roosting period is June 1 to July 31. Since Southern PPD agreed there would be no tree removal during the roosting period, the Commission determined the project "May Affect, but is not likely to adversely affect" any threatened or endangered species. Therefore, the commission did not object to approval of this application. At the Board's May 20, 2022, public meeting, the Board voted 4-0 (with one member absent) to approve PRB-3968.

**RETAIL SERVICE AREA  
AGREEMENT AMENDMENTS**

**SAA 363-20-A**  
**City of Hickman**  
**Norris Public Power District**

On September 10, 2020, the City of Hickman and Norris Public Power District filed a joint application to amend retail service area agreement 363. The application was designated as SAA 363-20-A. The application would transfer a tract of territory on the northeast edge of the City, near the intersection of Hickman Road and South 82<sup>nd</sup> Street, from Norris PPD to the City. The amendment is based on an annexation. The City passed Ordinance 2020-05 earlier that year. The territory annexed is known as the “Terrace View 1<sup>st</sup> Addition.” There are no existing customers or facilities in the annexed area. Chairman Reida asked that the approval order include a statement that there was no compensation for customers or facilities. There was no financial exchange since there are no current customers and no facilities in the annexed area. At the Board’s public meeting on October 19, 2020, the Board voted unanimously to approve SAA 363-20-A.

**SAA 316-20-A**  
**Burt County Public Power District**  
**Nebraska Public Power District**

On October 15, 2020, Nebraska Public Power District (NPPD) filed an application to amend retail Service Area Agreement 316. SAA 316 is the retail service area agreement between Burt County Public Power District (Burt Co. PPD) and NPPD. The application was designated as SAA 316-20-A. The application would transfer a tract of territory on the northern edge of the Village of Winnebago from Burt Co. PPD to NPPD. The amendment is based on an annexation. The Village passed Ordinance No. 20-10-1 earlier in 2020. There are no existing customers or facilities in the annexed area. The Village is considered part of the application because it is requesting that NPPD add the annexed territory to NPPD’s retail service area including and in the vicinity of the Village. Burt Co. PPD did not consent to the transfer. A Notice of Filing and Hearing Date was mailed on October 16 setting a hearing to be held in conjunction with the Board’s November public meeting. On November 2, Burt Co. PPD filed a Protest. A conference call was held on November 4 with Executive Director Texel, in his capacity as hearing officer, and legal counsels for NPPD and Burt Co. PPD. It was decided that NPPD and Burt Co. PPD would file a stipulation setting out the agreed-upon facts, and Burt Co. PPD’s General Manager would submit a statement in the form of a letter to the Board outlining the District’s frustration. The parties would waive the hearing and submit the matter on the pleadings. In section 70-1008(3), the statute specifically refers to annexations and that a City has one year from the time of annexation approval to file an application to include the territory in its service area. Burt Co. PPD stressed the fact that it would be required to give up a portion of its service area and could not do anything to stop it. Since the parties had waived an evidentiary hearing and submitted the matter on the pleadings, and both parties’ counsels were present via WebEx. The Board was therefore able to pose questions without implicating either party’s due process rights. At the Board’s public meeting held on November 9, 2020, the Board voted unanimously to approve SAA 316-20-A.

**SAA 369-20-A**  
**City of Central City**  
**Southern Public Power District**

On October 26, 2020, the City of Central City and Southern Public Power District filed a joint application to amend retail service area agreement 369. The application would transfer a tract of territory on the southwest edge of the City, just southwest of the intersection of 28<sup>th</sup> Street and 15<sup>th</sup> Road, from Southern PPD to the City. The City annexed a triangle-shaped tract of territory in March 2019. Exhibit A is an agreement between the parties and clarifies that there are no customers in the area. At the Board’s public meeting held on November 9, 2020, the Board voted unanimously to approve SAA 369-20-A.

**SAA 390-20-A**  
**Elkhorn Rural Public Power District**  
**Nebraska Public Power District**

On October 29, 2020, NPPD and Elkhorn Rural Public Power District filed a joint application to amend retail service area agreement 390. The application would transfer a tract of territory annexed by the City of Norfolk from Elkhorn RPPD to NPPD’s retail service area. The City of Norfolk and its immediate surrounding area is part of NPPD’s retail service area. The annexed territory is located on the western side of the City’s corporate limits. The annexation occurred on July 15, 2019. The utilities submitted a copy of Ordinance No. 5621 accomplishing the annexation. There are no customers in the area, but the parties agreed upon compensation for some infrastructure in the area. At the Board’s public meeting held on November 9, 2020, the Board voted unanimously to approve SAA 390-20-A.

**SAA 329-21-A**  
**City of Hastings**  
**Southern Public Power District**

On May 3, 2021, the City of Hastings and Southern Public Power District filed a joint application to amend retail service area agreement 329. The application requests to transfer a tract of territory annexed by the Village of Juniata. The territory is southwest of the intersection of Brass Avenue and 8<sup>th</sup> Street. The annexed area is known as the “JELC addition.” State law allows a municipal utility to add annexed territory to its retail service area. The Board has historically considered the utility serving a municipality at retail to be the “municipal utility” for service area purposes. The territory is currently part of Southern Public Power District’s service area. At the Board’s public meeting June 14, 2021, the Board voted 4-0 (with one member absent) to approve SAA 329-21-A.

**SAA 363-21-A**  
**City of Hickman**  
**Norris Public Power District**

On June 16, 2021, the City of Hickman and Norris Public Power District filed a joint application to amend retail service area agreement 363. The application requests to transfer a tract of territory annexed by the City. The territory is northwest of the intersection of Hickman Road and 82<sup>nd</sup> Street. State law allows a municipal utility to add annexed territory to its retail service area if it files the request within one year of the annexation. The area is a newly platted subdivision and did not have any customers or infrastructure. Exhibit A-2 provides a metes and bounds description of the annexed area. On the exhibit the heading refers to the general area involved as “Terrace View 3<sup>rd</sup> Addition”. But in the written description the specific annexed area is referred to as “Outlots M and N, Terrace View 1<sup>st</sup> Addition”. The documents contained previous references and subsequently the references to the lots were changed to Terrace View 3<sup>rd</sup> Addition, and the annexed area was Outlot D. The written metes and bounds was created prior to the name change, so the names are different but the descriptions are correct. At the Board’s public meeting on July 12, 2021, the Board voted 4-0 (with one member absent) to approve SAA 363-21-A.

**SAA 160-21-A**  
**City of Kimball**  
**High West Energy, Inc.**

On August 27, 2021, the City of Kimball and High West Energy, Inc. filed a joint application to amend retail service area 160. The intent of the parties was to transfer customers on the west side of Kimball from High West Energy to Kimball. Upon review of the application, it was determined that the territory involved is already Kimball’s service area. High West Energy agreed to transfer the customers in the area to Kimball. No record could be found in the Board’s files where High West Energy filed an application requesting to serve the customers involved. Due to this, it appears High West Energy never obtained the legal right to serve the customers in question. The services were established in the 1960’s, so it is entirely possible there was a verbal agreement between the utilities, but there were never any applications filed with the Power Review Board for High West Energy to serve these customers, and the parties in later years did not know this to be the case. Due to this, Kimball has the right to provide service to the customers without any approval from the Board, because the customers are located in Kimball’s retail service area. After discussing the situation with Kimball and High West Energy, the parties agreed to submit a signed letter requesting withdrawal of application SAA 160-21-A. Kimball will then take over service to the customers involved. At the Board’s public meeting on October 15, 2021, the Board voted 4-0 (with one member absent) to approve the withdrawal of SAA 160-21-A.

**SAA 51-21-A**  
**City of Grand Island**  
**Southern Public Power District**

On October 22, 2021, the City of Grand Island and Southern Public Power District filed a joint application to amend retail service area agreement 51. The amendment would transfer two small tracts of territory annexed by the City of Grand Island to Southern PPD. A map of the City's entire service area boundary that shows the two tracts on the southwest edge of Grand Island's service area was filed with the application. There are three customers in the annexed area. Grand Island will pay Southern PPD \$8,857.81 for the customers and infrastructure in the annexed areas. There are minimal facilities in the area involved. The amount was determined using the statutory calculation for the loss of revenue, along with the depreciated value of a pole and transformer that crosses into the annexed territory. At the Board's public meeting on December 13, 2021, the Board voted 4-0 (with one member absent) to approve SAA 51-21-A.

**SAA 252-21-A**  
**Cornhusker Public Power District**  
**Loup River Public Power District**

On November 29, 2021, the Loup River PPD and Cornhusker PPD filed a joint application to amend retail service area agreement SAA 252. The amendment would transfer a large tract of territory annexed by the City of Humphrey from Cornhusker PPD to Loup River PPD. The area is on the northeast edge of Humphrey. Humphrey annexed the territory in December 2020. State law allows a municipality to add annexed territory to its electric retail service area if it files an application to do so within one year of the annexation. Loup River PPD holds the service area rights to the City of Humphrey. It has been the Board's longstanding precedent that a public power district or cooperative that holds the service area rights to a municipality operates as the municipal utility for purposes of a service area amendment. In the application it states that there are 29 customers in the annexed area. Loup PPD and Cornhusker PPD submitted a letter providing the details of compensation for these customers. The total compensation the parties agreed Loup River PPD should pay to Cornhusker PPD for the loss of revenue and infrastructure in the annexed area is \$1,000,000. Due to the work needed to transfer the infrastructure and customers involved in the transfer, both districts requested the PRB to make the effective date of the transfer October 1, 2022. Cornhusker PPD would continue to serve the area until October 1, 2022. At that time Loup River PPD would take over the service and the boundary change would become effective. The parties need additional time to coordinate the transfer of the customers and infrastructure involved. At the Board's January 21, 2022 public meeting, the Board voted 4-0 (with one member absent) to approve SAA 252-21-A with an effective date of October 1, 2022.

**WHOLESALE  
SERVICE AREA AGREEMENT  
MODIFICATIONS**



**The Power Review Board did not receive any applications to amend or create a wholesale service area agreement during this biennial period.**

**AMENDMENTS**  
**TO**  
**PUBLIC POWER DISTRICT CHARTERS**

## **Custer Public Power District Charter Amendment 5**

On December 4, 2020, Custer Public Power District's filed a Petition for Charter Amendment 5. The primary purpose of the amendment is to amend paragraph 7 of the Second section of the District's charter to correct errors in the description of the District's chartered territory. The amendment would also update the list of the District's current directors in the Sixth section of the charter. The Cherry County Clerk noted errors in the precinct names and contacted Custer PPD to make corrections to its charter language. The Power Review Board is required by state law to publish notice of a proposed charter amendment in at least two local newspapers with general circulation in the District's territory for three consecutive weeks prior to acting on the charter amendment. The notice was published in the *Custer County Chief* newspaper on January 28, February 4, and 11, 2021. The notice was also published in the *North Platte Telegraph* on January 26, February 2, and 9, 2021. The notice explained that any interested party could file a protest or objection by March 4. The Board did not receive any protests or objections. It was noted there was a significant time delay between the filing of the petition and the public notice. The delay was needed to address several issues in the proposed charter language prior to publication of the notice. At the Board's public meeting on March 8, 2021, the Board voted unanimously to approve Custer Public power District's Charter Amendment 5.

## **McCook Public Power District Charter Amendment 8**

On January 25, 2021, McCook Public Power District filed a Petition for Charter Amendment 8. The amendment reduces the number of directors from 7 to 6 and redistributes the District's chartered territory into 6 subdivisions. The Board is required by state law to publish notice in at least two local newspapers for three consecutive weeks prior to acting on a charter amendment. A notice of the amendment was published in the *Frontier County Enterprise* on February 18, 25 and March 4, 2021, and in the *McCook Gazette* on February 11, 18, and 25, 2021. The notice stated that any interested party could file a protest or objection by April 5. No protests or objections were filed. Since there were no protests or objections the Board is allowed to waive the hearing. McCook PPD chose to draw its new subdivision lines under the provisions in Neb. Rev. Stat. section 70-612(1)(b). Under subsection (b) of that statute a district can form its subdivision boundary lines without regard to population if certain requirements are met. The requirements are that the District's territory includes all or part of two or more counties, that more than fifty percent of the District's users of electricity are rural, and that the PRB must find that the interests of the District's rural users of electricity will not be prejudiced by the amendment. In McCook's case the District does operate in two or more counties, and the District had confirmed in its Petition that more than fifty percent of its customers are rural. The population numbers in each subdivision were: 1 – 509, 2 – 535, 3 – 321, 4 – 769, 5 – 899, 6 – 512. The numbers were based on 2010 Census data. The Board members pointed out that the difference between the lowest number of 321

and the highest number of 899 was significant. At the April meeting the Board had several questions concerning the subdivisions and the population numbers. The Board asked to have the staff contact McCook PPD for additional information. The McCook PPD Charter amendment was tabled at the April Meeting. At the April meeting the Board members said they had insufficient information on which to base a finding that the rural users of electricity in the District's territory would not be prejudiced by the new subdivision boundaries. Since there is a considerable difference in population, especially between the proposed subdivisions 3 and 5, the Board wanted more information showing that the District's rural users of electricity would not be prejudiced by the amendment.

To answer the Board's concerns, McCook PPD's attorney spoke to the Board about the population variation. He said the McCook PPD Board of Directors discussed this issue at their meeting. The District's board members expressed their belief that the population distribution did not prejudice the rural customers, although the finding was not made by a formal vote. The two divisions that had higher population (4 and 5) were more urban in nature. Subdivision 5 includes subdivisions on the outskirts of the City of McCook. A highway runs through subdivision 4, and there are quite a few people that live along the highway. Subdivision 3, with the smallest population, did not have any municipality in it and was mainly irrigation customers. It was also noted that since subdivisions 4 and 5 have higher populations and are more urban in nature, the District's board believed that the customers in those subdivisions would be more comfortable with a director representing an overall more urban district. Likewise, it is believed that the primarily rural customers in the other subdivisions, especially subdivision three, would be uncomfortable having a director from a more urban area representing their interests. One of the Power Review Board members asked if the subdivisions were divided by electric load and had equal loads. Clint Bethel, the District's general manager, stated that when the subdivisions were set up, the loads were considered. Each subdivision has a similar load capacity, so each director represents an area with approximately equal electric use based on the megawatt load. Vice Chairman Hutchison asked if the board had a unanimous vote when it voted to file the petition to amend its charter. The District's attorney stated that the board did vote unanimously to file the petition. Chairman Reida expressed that it was important for his decision that the McCook PPD Directors reviewed the petition charter numbers twice and agreed unanimously that the charter amendment is needed and specifically that the rural customers would not be prejudiced by the amendment. At the Board's public meeting on May 10, 2021, the Board voted unanimously to approve McCook Public power District's Charter Amendment 5.

## **Municipal Energy Agency of Nebraska Charter Amendment 36**

On June 4, 2021, the Municipal Energy Agency of Nebraska's (MEAN) filed a Petition for Charter Amendment 36. This amendment would add the cities of Plainview, Nebraska and Denver, Iowa as voting members of MEAN. The statute that sets out the approval criteria is Neb. Rev. Stat. section 18-2433. This statute sets out that the Board must determine that the statements in the petition are true and conform to the public convenience and welfare, and that the plants, systems and works, the operation of the same, the exercise of powers, and the assumption of duties and responsibilities of or on the part of such agency do not nullify, conflict with, or materially affect those of any other district or a corporation organized under the provisions of chapter 70, article 6 or 8, or the Electric Cooperative Corporation Act, or those of any part of such district or corporation. MEAN supplied a certified copy of its Board's resolutions voting to approve the cities becoming members and a copy of the ordinances passed by both cities approving taking action to become members of MEAN. Public notice was published in the *Plainview News* of Plainview, Nebraska on June 23, in the *Denver Forum* of Denver, Iowa on June 16, and statewide notice in Nebraska was published in the *Omaha World Herald* on June 16, 2021. Written Notice was sent to the Nebraska Public Power District, the Western Area Power Association (WAPA) and Tri-State Generation and Transmission Association, Inc. Written Notice was also sent to the mayors of Denver, Iowa and Plainview, Nebraska. MEAN did some updating to its statutes in this last Legislative session. These updates allowed MEAN to go to the utilities participating in MEAN's services and ask if they wanted to become full voting members. There were no protests or objections to the petition. At the Board's July 12, 2021, public meeting the Board voted unanimously to waive the hearing and approve MEAN's Petition for Charter Amendment 36.

## **Municipal Energy Agency of Nebraska Charter Amendment 37**

On July 19, 2021, the Municipal Energy Agency of Nebraska's (MEAN) filed a Petition for Charter Amendment 37. This amendment would add the City of Carlisle, Iowa as a voting member of MEAN. Neb. Rev. Stat. section 18-2433 sets out the approval criteria. The statute states that the Board must determine that the statements in the petition are true and conform to the public convenience and welfare, and that the plants, systems and works, the operation of the same, the exercise of powers, and the assumption of duties and responsibilities of, or on the part of, such agency, do not nullify, conflict with, or materially affect those of any other district or a corporation organized under the provisions of chapter 70, article 6 or 8, or the Electric Cooperative Corporation Act, or those of any part of such district or corporation. MEAN supplied a certified copy of its Board's resolution voting to approve the City becoming a member and a copy of the

ordinance passed where the City authorized the actions necessary to become a member of MEAN. Public notice was published in the *Carlisle Citizen* of Carlisle, Iowa on July 29, and statewide notice in Nebraska was published in the *Omaha World Herald* on July 28, 2021. Written Notice was sent to the Nebraska Public Power District, the Western Area Power Association (WAPA) and Tri-State Generation and Transmission Association, Inc. Written Notice was also sent to the mayor of Carlisle, Iowa. MEAN's legal counsel explained to the Board that Carlisle has a population of 4,162 people. It's electric load is approximately five megawatts. Carlisle is part of the Des Moines, Iowa metropolitan area. The Board did not receive any protests or objections to the petition. At the Board's August 9, 2021, public meeting the Board voted unanimously to waive the hearing and approve MEAN's Petition for Charter Amendment 37.

### **Perennial Public Power District Charter Amendment 6**

On October 28, 2021, Perennial Public Power District filed a Petition for Charter Amendment 6. The purpose of the amendment is to amend section VI of the District's charter to make two directors elected "at-large" and to update the dates for director terms to ensure that they are staggered. Currently the District has two subdivisions, with four directors elected from one subdivision and two from the other. The amendment would make two directors elected from each subdivision, and two directors would be elected "at-large" from the entire district. The petition was submitted pursuant to Neb. Rev. Stat. section 70-612(1)(b). This statute allows a public power district to form its subdivision following precinct or county boundary lines without regard to population. To approve the petition, the Board would need to find that the district includes all or part of two or more counties, the district engages in furnishing electric light and power, more than 50% of the district's customers are rural, and the interests of the rural customers will not be prejudiced by using this election method. Perennial PPD operates primarily in York and Fillmore counties, but also serves small areas in Seward, Hamilton and Clay counties. The District's Petition confirms that more than 50% of the District's customers are rural. In its resolution, the District's board of directors made a finding that the rural customers would not be prejudiced by the proposed amendment. The notice for Perennial's charter amendment 6 was published in the *Nebraska Signal* and the *York News-Times* on November 3, 10, and 17. The notice stated any interested party could file a protest or objection by December 9, 2021. The Board did not receive any protests or objections. Since no protests or objections were filed, state law allows the hearing to be waived. Vice Chairman Hutchison pointed out that the population in Subdivision 1 has a population almost twice that of the population of Subdivision 2. He asked if that would prejudice the rural voters in subdivision 1 because their votes were more diluted than in subdivision 2. He also asked if most of the District's customers are rural. It was confirmed by Perennial PPD's legal counsel that the population of the entire district is mostly rural. The two at-large directors will give the opportunity for a director to be

elected in the less populous subdivision, and ensures that all customers will have four directors that represent them. Mr. Grennan commented that he thought having the two at-large directors was a good idea. The two at-large directors represent the entire district and not just the county in which they live. At the Board's December 13, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve Perennial Public Power District's Petition for Charter Amendment 6.

### **Elkhorn Rural Public Power District Charter Amendment 7**

On October 22, 2021, Elkhorn Rural Public Power District filed a Petition for Charter Amendment 7. The purpose of the amendment is to better align the District's chartered territory with the District's retail service area, redraw voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors listed in the charter. The petition was submitted pursuant to Neb. Rev. Stat. section 70-604(6). This is the standard that requires a district's voting subdivisions to be substantially equal in population. The Board reviewed a legal opinion written by the Executive Director and General Counsel that was written in March 2020. The opinion indicated that the courts generally give deference to a total population variance of 10% from the smallest to largest districts or subdivisions of a special purpose district. Such a variance is generally given a presumption that the special purpose district made a good faith effort to create voting subdivisions of substantially equal population. The total variation from the largest to smallest subdivisions is 7.6%. The variance from the largest to smallest was +3.9 and -3.7. It was noted for the record that the variance was less than 10% total, and less than 5% either higher or lower than the ideal number. The notice for Elkhorn RPPD's charter amendment was published in the *Norfolk Daily News* and the *Neligh News & Leader* newspapers on November 3, 10 and 17. The notice stated that any protests or objection must be filed by December 9, 2021. The Board did not receive any protests or objections. The Board needs to find that the charter amendment will not be contrary to the best interests of the District, will not jeopardize or impair the rights of the creditors of the District or of other persons, and that the amendment provides for substantially equal population in the District's voting subdivisions. At the Board's December 13, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve Elkhorn Rural Public Power District's Petition for Charter Amendment 7.

### **North Central Public Power District Charter Amendment 9**

On October 25, 2021, North Central Public Power District filed a Petition for Charter Amendment 9. The purpose of the amendment is to align the chartered territory with the District's retail service area, redraw the voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors list in the charter. The

petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6). This is the substantially equal population standard. North Central PPD has 7 voting subdivisions. North Central PPD currently has five subdivisions with one director each, and two at-large directors elected from the entire District. The proposed amendment has six subdivisions. The total variation from the largest to smallest subdivision is 4.7%, which is obviously below the 10% standard needed for a presumption of validity. The notice was published in the *Plainview News* newspaper on November 3, 10 and 17. It was also published in the *Verdigre Eagle* newspaper on November 4, 11 and 18. The notice stated that any protests or objection must be filed December 9, 2021. The Board did not receive any protests or objections. The new configuration will be six subdivisions with one director each, and one at-large director. The population variance is +2.9% and -1.8% from the ideal number. The Board needs to find that the amendment will not be contrary to the best interests of the District, will not jeopardize or impair the rights of the creditors or of other persons, and the amendment provides for substantially equal population in the District's voting subdivisions. Vice Chairman Hutchison asked why the District is going from two to one at-large directors. Legal counsel for the District stated that the District recently added the City of Plainview to its chartered territory. The District determined the best solution would be to utilize one of the at-large directors and allocate that director position to Plainview. By providing Plainview with one director it does not substantially disrupt the other subdivisions. At the Board's December 13, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve North Central Public Power District's Petition for Charter Amendment 9.

### **Cedar-Knox Public Power District Charter Amendment 7**

On October 28, 2021, Cedar-Knox Public Power District filed a Petition for Charter Amendment 7. The purpose of the amendment is to align the District's chartered territory with its retail service area, redraw voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors list in the charter. The petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6). This is the substantially equal population standard. Cedar-Knox PPD currently has three subdivisions with three directors in each subdivision. The current total variance in population is 14%. In the proposed reconfiguration, the total variance would be 9.1%. The population in the subdivisions vary from +5.1% to -4% from the ideal number. Chairman Reida stated he believes the 5.1% is a de minimus difference from the normal goal to not exceed the ideal number by more than five percent. The Board discussed how in rural subdivisions one or two families can change the population percentage by a percent or two. The notice was published in the *Wausa Gazette* and the *Cedar County News* newspapers on November 3, 10 and 17. The notice stated that any protests or objection must be filed by December 9, 2021. The Board did not receive any protests or objections. The Board needs to find that the charter amendment will not be contrary to the best interests of the



District, will not jeopardize or impair the rights of the creditors of the District or of other persons, and the amendment provides for substantially equal population in the District's voting subdivisions. At the Board's December 13, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve Cedar-Knox Public Power District's Petition for Charter Amendment 7.

### **Loup River Public Power District Charter Amendment 9**

On November 15, 2021, Loup River Public Power District filed an Amended Petition for Charter Amendment 9. The original petition was filed on October 29, 2021. There were several issues to clarify in the original petition. The petition sets out the amendments to sections (b) and (f) of the District's charter. In section (b), some terms will be updated. Section (f) will redraw the district's subdivision boundaries based on the 2020 Census, and the number of directors will be reduced from 10 to 9. The petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6), which is the "substantially equal population" standard. Subdivisions 1 through 5 are separate, and each is represented by one director. Subdivisions 6 through 9 will be at-large and elected from the City of Columbus. The variance from the ideal is +3.5% in the largest subdivision and -2.6% in the smallest, for a total variance of 6.1%. The total variance amount is therefore below the 10% total variance standard that allows for a presumption of compliance. Notice was published on November 17, 24 and December 1, 2021 in the *Columbus Telegram*, *Albion News/Boone County Tribune*, *Colfax County Press* and the *Fullerton Nance County Journal* newspapers. Notice was published in the *Schuyler Sun* newspaper on November 18, 25, and December 2, 2021. Due to the dispersion of Loup River PPD's territory, the District asked to have the notice published in the five aforementioned newspapers instead of only two. The notice stated that any interested party could file a protest or objection by December 22, 2021. No protest or objection was filed. The Petition needs to find that the charter amendment will not be contrary to the best interests of the district, will not jeopardize or impair the rights of creditors of the District or of other persons, and that the District's proposed subdivisions have substantially equal population. At the Board's December 27, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve Loup River Public Power District's Petition for Charter Amendment 9.

### **Norris Public Power District Charter Amendment 21**

On November 9, 2021, Norris Public Power District filed a Petition for Charter Amendment 21. The petition sets out amendments to sections (2) and (6) of the District's charter. In section (2), the description of the District's chartered territory is updated. Section (6) will redraw the District's subdivision boundaries based on the 2020 Census,

and the number of directors will be reduced from 13 to 9 by 2026. The petition is submitted pursuant to Neb. Rev. Stat. section 70-612(1)(b), which is commonly known as the “will not be prejudiced thereby” standard. The statute allows a district to form its subdivisions following precinct or county boundary lines without regard to population if the Board finds: 1) the district includes all or part of 2 or more counties, 2) the district is engaged in furnishing electric light and power, 3) more than 50% of the district’s customers are rural customers, and 4) the interests of the rural customers will not be prejudiced by the amendment. Norris operates in all or parts of Butler, Gage, Jefferson, Lancaster, Saline, Seward, Thayer and York Counties. The Petition, in paragraph 5, confirmed that the District’s customers are more than 50% rural. In a resolution, the District’s Board made a finding that the rural customers would not be prejudiced by the amendment. In the proposed amendment, Norris PPD would replace its current 13 subdivisions with one subdivision for each of the six primary counties it serves, along with three new subdivisions comprised of multiple counties with one director elected on an at-large basis in each of the West, Central and East subdivisions. The total variation from largest to smallest at-large subdivision is .2%, with one subdivision +.1% and another -.1%. Notice was published on November 17, November 24 and December 1, 2021 in the *Beatrice Daily Sun*, *Hebron Journal-Register* and *Seward County Independent* newspapers. Due to the Norris PPD’s large territory, the District asked to have notice published in three newspapers. The Notice stated that any interested party could file a protest or objection by December 22, 2021. The Board did not receive any protests or objections. The Board needed to find that the charter amendment will not be contrary to the best interests of the District and that it will not jeopardize or impair the rights of creditors of the District or of other persons. At the Board’s December 27, 2021, public meeting the Board voted 4-0 (with one member absent) to waive the hearing and approve Norris Public Power District’s Petition for Charter Amendment 21.

### **Butler Public Power District Charter Amendment 10**

On December 10, 2021, Butler Public Power District filed an Amended Petition for Charter Amendment 10. The original petition was filed on November 10, 2021. The purpose of the petition is to amend charter section 6 to redraw the District’s subdivision boundaries based on the 2020 Census and update the list of directors. The Petition is filed pursuant to Neb. Rev. Stat. section 70-604(6), which is the substantially equal population standard. Butler PPD has seven subdivisions, with one director for each subdivision. The variance from the largest to smallest subdivision is .9%, with one subdivision .42% above the ideal, and one subdivision .48% below the ideal. None of the subdivisions are more than 5% from the ideal, and the total variance is below 10%. Notice of the proposed amendment was published on November 25, December 2 and December 9, 2021 in the *Wahoo Newspaper* and the *Banner Press* newspapers. The notice stated that any interested party could file a protest or objection by December 29,

2021. The Board needs to find that the charter amendment will not be contrary to the best interests of the District, will not jeopardize or impair the rights of the creditors of the District or of other persons, the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and the amendment provides for substantially equal population in the District's voting subdivisions. The Board also considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board voted to give conditional approval to Butler Public Power District's Amended Petition for Charter Amendment 10 at its December 27, 2021, public meeting. The Butler Public Power District's Amended Petition for Charter Amendment 10 was considered for final approval at the Board's January 21, 2022, public meeting. The Board did not receive any protests or objections. At the Board's January 21, 2022, public meeting the Board voted to waive the hearing and approve Butler Public Power District's Amended Petition for Charter Amendment 10.

### **Howard-Greeley Rural Public Power District Charter Amendment 7**

On November 17, 2021, Howard-Greeley Rural Public Power District filed a Petition for Charter Amendment 7. The purpose of the petition is to amend charter sections 2 and 6 to redraw the District's subdivision boundaries based on the 2020 census and update the list of directors. The number of directors would be reduced from 9 to 8 at the end of 2022. The Petition is filed pursuant to Neb. Rev. Stat. section 70-612(1)(b), which is the "not prejudiced thereby" standard when a District follows precinct or county boundary lines. Howard-Greeley currently has five subdivisions. The proposed configuration would create six subdivisions on a permanent basis. A seventh subdivision would exist during 2022 and terminate at the end of the year. Exhibit A is the District's resolution approving the amendment. The resolution states that the District's board of directors made a finding that the District operates in two counties, more than 50% of its customers are rural, and the rural customers would not be prejudiced by the amendment. The Board published notice of the charter amendment on December 8, 15, and 22 in the *St. Paul Phonograph-Herald* and on December 9, 16, and 23 in the *Greeley Citizen* newspapers. The notice stated that any interested party could file a protest or objection by January 14, 2022. The District had a significant drop in population in the 2020 census. The precincts are larger now due to the county clerks condensing the voting precincts. The majority of the population is around just a couple of communities. There were concerns about the Board making a finding that the District's rural customers would not be prejudiced by this amendment. It was pointed out that the District's Board struggled with the same questions. Chairman Reida stated that the answer to this is that if

these rural customers felt they were being prejudiced they had an opportunity to file a protest or objection with the Board. The Board would need to make the following findings in order to approve the amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) the interests of the District's rural users of electricity will not be prejudiced by the amendment, as set out in Neb. Rev. Stat. section 70-612(1)(b). At the December 27, 2021 public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Howard-Greeley Rural Public Power District's Amended Petition for Charter Amendment 7. The Howard-Greeley Rural Public Power District's Petition for Charter Amendment 7 was considered for final approval at the Board January 21, 2022 public meeting. The Board did not receive any Protests or Objections. At the Board's January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Howard-Greeley Rural Public Power District's Petition for Charter Amendment 7.

### **Cornhusker Public Power District Charter Amendment 6**

On November 17, 2021, Cornhusker Public Power District filed a Petition for Charter Amendment 6. The purpose of the petition is to amend charter sections II and VI to redraw the district's subdivision boundaries based on the 2020 census and update the list of directors. The Petition was filed pursuant to Neb. Rev. Stat. section 70-612(1)(b), which is the "not prejudiced thereby" standard. Cornhusker PPD currently has 10 voting subdivisions. The primary changes are in subdivisions 7, 9 and 10. The subdivisions follow precinct boundaries. A resolution passed by the District's board of directors stated that the District operates in two counties, more than 50% of its customers are rural, and the rural customers would not be prejudiced by the amendment. The Board published notice of the amendment on December 8, 15, and 22, 2021, in the *Albion News* and *Columbus Telegram* newspapers. The Notice stated that any interested party could file a protest or objection by January 14, 2022. No protest or objection was filed. The Board would need to make the following findings in order to approve each amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District

will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) the interests of the District's rural users of electricity will not be prejudiced by the amendment, as set out in Neb. Rev. Stat. section 70-612(1)(b). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Cornhusker Public Power District's Petition for Charter Amendment 6. The Cornhusker Public Power District's Petition for Charter Amendment 6 was considered for final approval at the Board January 21, 2022, public meeting. The Board did not receive any protests or objections. At the Board's January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Cornhusker Public Power District's Petition for Charter Amendment 7.

### **Twin Valleys Public Power District Charter Amendment 8**

On November 22, 2021, Twin Valleys Public Power District filed a Petition for Charter Amendment 8. The purpose of the petition is to amend charter sections II and VI to redraw the District's subdivision boundaries based on the 2020 census and update the list of directors. The Petition was filed pursuant to section 70-612(6), which is the "not prejudiced thereby" standard. Twin Valleys PPD currently has three voting subdivisions. The Board published notice on December 9, 16, and 23 in the *Valley Voice* and *Harlan County Journal* newspapers. The Board would need to make the following findings in order to approve each amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) the interests of the District's rural users of electricity will not be prejudiced by the amendment, as set out in Neb. Rev. Stat. section 70-612(1)(b). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Twin Valleys Public Power District's Petition for Charter Amendment 8. The Twin Valleys Public Power District's Petition for Charter Amendment 8 was considered for final approval at the Board January 21, 2022 public meeting. The Board did not receive any protests or objections. At the Board's January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Twin Valleys Public Power District's Petition for Charter Amendment 8.

## **Southwest Public Power District Charter Amendment 5**

On November 22, 2021, Southwest Public Power District's Petition for Charter Amendment 5. The purpose of the petition is to amend charter sections 2 and 6 to clarify that the Villages of Trenton and Wauneta are excluded from the District's chartered territory, and to update the list of directors. The petition was filed pursuant to Neb. Rev. Stat. section 70-612(1)(b), which is the "not prejudiced thereby" standard. In section two, subsection II, the language that is added clarifies the exclusion of the Village of Trenton. In section four it clarifies the headquarters is located in Hitchcock County. The subdivisions follow precinct boundaries. The Board published notice of the charter amendment on December 8, 15, and 22, 2021, in the *McCook Gazette* and *Benkelman Post & News Chronicle* newspapers. The Notice stated that any interested party could file a protest or objection by January 14, 2022. The Board would need to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) the interests of the District's rural users of electricity will not be prejudiced by the amendment, as set out in Neb. Rev. Stat. section 70-612(1)(b). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Southwest Public Power District's Petition for Charter Amendment 5. The Southwest Public Power District's Petition for Charter Amendment 5 was considered for final approval at the Board January 21, 2022, public meeting. The Board did not receive any protests or objections. At the Board's January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Southwest Public Power District's Petition for Charter Amendment 5.

## **Omaha Public Power District Charter Amendment 8**

On November 23, 2021, Omaha Public Power District filed a Petition for Charter Amendment 8. The purpose of the petition is to amend charter section 6 to redraw the district's subdivision boundaries based on the 2020 census and update the list of directors. The petition was filed pursuant to Neb. Rev. Stat. section 70-604(b), which is the "substantially equal population" standard. Omaha PPD currently has 8 voting subdivisions, with one director for each subdivision. The Board published notice of the charter amendment on December 8, 15, and 22, 2021, in the *Omaha World Herald*

newspaper. Notice was also published on December 10, 17, and 24, 2021, in the *Blair Enterprise* and *Nebraska City News-Press* newspapers. Due to the size of the District's territory, the District asked to publish notice in three newspapers instead of two. The Notice stated that any interested party could file a protest or objection by January 14, 2022. The Board needed to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district's voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At the December 27, 2021, public meeting, the Board also considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Omaha Public Power District's Petition for Charter Amendment 8. The Omaha Public Power District's Petition for Charter Amendment 8 was considered for final approval at the Board January 21, 2022, public meeting. The Board did not receive any protests or objections. At the Board's January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Omaha Public Power District's Petition for Charter Amendment 8.

#### **Dawson Public Power District Charter Amendment 4**

On December 16, 2021, Dawson Public Power District filed a Petition for Charter Amendment 4. The purpose of the amendment is to better align the District's chartered territory with its retail service area, redraw voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors listed in the charter. The petition was submitted pursuant to Neb. Rev. Stat. section 70-604(6), which is the "substantially equal population" standard. Dawson PPD currently has 3 subdivisions with 11 directors. There are 4 directors in the Buffalo Subdivision, 4 in the Dawson Subdivision, and 3 in the Lincoln subdivision. In the proposed reconfiguration, the total variance would be .45%. The largest subdivision is +.23% over the ideal, while the smallest is -.22 under the ideal. The notice was published in the *Lexington Clipper-Herald* and the *North Platte Telegraph* newspapers on December 29, 2021, and January 5 and 12, 2022. The notice states that any protests or objection must be filed by February 4, 2022. The Board needed to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part

of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district's voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At the Board's December 27, 2021, public meeting, the executive director told the Board the notice would also be published in the *Kearney Hub*. Due to the geographic scope of the District's territory, Dawson PPD asked that the notice be placed in the three newspapers. The notice was sent to all three newspapers. However, the *Kearney Hub* and *Lexington Clipper-Herald* are both owned by the same parent company. The newspapers mistakenly only published the notice in the *Lexington Clipper-Herald*, and not in the *Kearney Hub*. Unfortunately, the Board's staff was not aware of the error until the affidavits of publication were issued. The notice is still valid because the legal requirement is for the notice to be in at least two newspapers. At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Dawson Public Power District's Petition for Charter Amendment 4. The Dawson Public Power District's Petition for Charter Amendment 4 was considered for final approval at the Board's February 18, 2022, public meeting. The Board did not receive any protests or objections. At the February 18, 2022, public meeting the Board waived a hearing and issued a final approval for Dawson Public Power District's Petition for Charter Amendment 4.

### **Nebraska Public Power District Charter Amendment 8**

On December 13, 2021, Nebraska Public Power District filed a Petition for Charter Amendment 8. The purpose of the amendment is to better align the District's chartered territory with its retail service area, redraw voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors listed in the charter. The petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6), the "substantially equal population" standard. NPPD currently has 11 subdivisions with one director representing each subdivision. In the proposed reconfiguration, the total variance would be .69%. The population in the largest subdivision is +.34% over the ideal, while the subdivision with the smallest population is -.35% below the ideal. The notice was published in the *Ainsworth Star-Journal*, *Columbus Telegram*, *Kearney Hub*, *Lincoln Journal-Star*, *Norfolk Daily News*, *North Platte Telegraph*, *Scottsbluff Star-Herald*, and the *York-News Times* newspapers on December 22, 2021, December 29, 2021, and January 5, 2022. Due to NPPD's large and dispersed chartered territory, the District asked the Board to publish notice in eight newspapers instead of just two. The notice states that any protest or objection must be filed by January 27, 2022. The Board needed to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment



will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district's voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." The Board gave conditional approval to Nebraska Public Power District's Petition for Charter Amendment 8. The Nebraska Public Power District's Petition for Charter Amendment 8 was considered for final approval at the Board's February 18, 2022, public meeting. The Board did not receive any protests or objections. At the February 18, 2022, public meeting the Board waived a hearing and issued a final approval for Nebraska Public Power District's Petition for Charter Amendment 8.

### **Northeast Nebraska Public Power District Charter Amendment 10**

On December 17, 2021, Northeast Nebraska Public Power District filed a Petition for Charter Amendment 10. The PRB staff identified several issues and an amended petition was filed on December 22, 2021. The purpose of the amendment is to better align the District's chartered territory with its retail service area, redraw voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors listed in the charter. The petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6), the "substantially equal population" standard. Northeast Nebraska PPD currently has 8 subdivisions with one director in each subdivision. The amendment would remove section 13, which is the list of directors, and add a new section 17 with language authorizing the District's legal counsel to make non-substantive grammatical corrections to charter amendments as necessary. In the proposed reconfiguration, the total variance would be 9.8%. The largest subdivision is over the ideal by +5%, while the smallest is below the ideal by -4.8%. Notice was published in the *Wayne Herald* and the *Pierce County-Leader* newspapers on December 30, 2021, and January 6 and 13, 2022. The notice stated that any protest or objection must be filed by February 4, 2022. The Board needed to make the following findings in order to approve the amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district's voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At

the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states “If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021.” The Board gave conditional approval to Northeast Nebraska Public Power District’s Petition for Charter Amendment 10. The Northeast Nebraska Public Power District’s Petition for Charter Amendment 10 was considered for final approval at the Board’s February 18, 2022, public meeting. The Board did not receive any protests or objections. At the Board’s January 21, 2022, public meeting the Board waived a hearing and issued a final approval for Northeast Nebraska Public Power District’s Petition for Charter Amendment 10.

### **Roosevelt Public Power District Charter Amendment 8**

On December 20, 2021, Roosevelt Public Power District filed an amended Petition for Charter Amendment 8. The purpose of the amendment is to better align the chartered territory with the District’s retail service area, redraw the voting subdivision boundaries based on the 2020 Census, and update the names and terms of the directors listed in the charter. The original petition was filed on December 2, 2021. The amended petition is submitted pursuant to Neb. Rev. Stat. section 70-604(6), the “substantially equal population” standard. Roosevelt PPD has seven voting subdivisions, each with one director. A colored map labeled Exhibit 3 shows with specificity the exact boundary of the District’s subdivisions. The map will actually be part of the charter. In the published legal notices the map was included, as the District incorporated the map as part of its proposed amended charter. The total variation from the largest to smallest subdivision is 1.32%. The largest subdivision is +.64%, while the smallest subdivision is -.68% variance from the ideal. Notice was published in the *Scottsbluff Star-Herald* and the *Gering Courier* newspapers on January 5, January 12, and January 19, 2022. The notice states that any protest or objection must be filed by February 10, 2022. The Board needed to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district’s voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states “If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021.” The Board gave conditional approval to Roosevelt Public Power District’s Petition for Charter Amendment 8. The Roosevelt Public Power District’s Petition for Charter Amendment 8

was considered for final approval at the Board's February 18, 2022, public meeting. The Board did not receive any protests or objections. At the Board's February 18, 2022, public meeting the Board waived a hearing and issued a final approval for Roosevelt Public Power District's Petition for Charter Amendment 8.

### **Polk County Rural Public Power District Charter Amendment 10**

On January 21, 2022, Polk County Rural Public Power District filed a Second Amended Petition for Charter Amendment 10. The purpose of the petition is to amend charter section 6 to redraw the District's subdivision boundaries based on the 2020 census and update the list of directors. The Petition was filed pursuant to Neb. Rev. Stat. section 70-604(6), which is the "substantially equal population" standard. Polk Co. RPPD has 3 subdivisions, with two directors for subdivisions 1 and 3 and three directors for subdivision 2. Polk Co. RPPD originally filed a Petition on November 10, 2021, and an amended Petition on December 10, 2021. At the Board's December 27, 2021, public meeting the Board expressed concerns about the variance in populations in the 3 subdivisions. Because of these concerns, the Board felt that it needed to set the matter for hearing to get more information about the population. A Notice of Hearing was sent to Polk Co. RPPD on January 3, 2022. A hearing was scheduled to be held at the January 21, 2022, meeting. In response to the concerns expressed by the Board, Polk Co. RPPD filed a Second Amended Petition. In this petition the District moved several sections between subdivisions, which addressed the population variance concerns. New notices were published after the Second Amended Petition was filed. The Board published notice of the language in the proposed second amended petition in the *Polk County News* and the *Central City Non-Pareil* newspapers on January 13, 20 and 27, 2022. The January 21 hearing was rescheduled for February 18, 2022. At the hearing the District's legal counsel explained to the Board that the Second Amended Petition moved several sections from one subdivision to another putting the population variance at less than ten percent. The Board needed to make the following findings in order to approve an amendment: 1) That the amendment will not be contrary to the best interests of the District; 2) The amendment will not jeopardize or impair the rights of the creditors of the District or of other persons; 3) the plants, systems and works, the operation of the same, the exercise of powers and the assumption of duties and responsibilities, of or on the part of the District will not nullify, conflict with, or materially affect those of, or on the part of, any other district, and 4) that the amendment provides for substantially equal population in the district's voting subdivisions, which is set out in Neb. Rev. Stat. section 70-604(6). At the December 27, 2021, public meeting, the Board considered the amendment according to a new subsection of Neb. Rev. Stat. section 70-663 which states "If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021." Although the Board had concerns about the population, the petition was in proper form and met the requirement to be granted conditional approval. The Board gave conditional approval to

Polk County Rural Public Power District's Petition for Charter Amendment 10. The Polk County Rural Public Power District's second amended petition for Charter Amendment 10 was considered for final approval at the Board's February 18, 2022, public meeting. The Board did not receive any protests or objections. At the Board's February 18, 2022, public meeting the Board held a hearing and received testimony on the Polk Co. RPPD's Second Amended Petition. Following the hearing the Board reconvened its public meeting and voted to give final approval for the District's Second Amended Petition for Charter Amendment 10.

### **Municipal Energy Agency of Nebraska Charter Amendment 38**

On February 11, 2022, the Municipal Energy Agency of Nebraska (MEAN) filed a Petition for Charter Amendment 38. This amendment would remove the town of Fountain, Colorado as a voting member of MEAN. Neb. Rev. Stat. section 18-2433 sets out the approval criteria. The statute states that the Board must determine that the statements in the petition are true and conform to the public convenience and welfare, and that the plants, systems and works, the operation of the same, the exercise of powers, and the assumption of duties and responsibilities of, or on the part of, such agency, do not nullify, conflict with, or materially affect those of any other district or a corporation organized under the provisions of chapter 70, article 6 or 8, or the Electric Cooperative Corporation Act, or those of any part of such district or corporation. MEAN supplied a certified copy of its Board's resolution voting to approve the removal of Fountain as a member and a copy of the ordinance passed where the town authorized the actions necessary to be removed as a member of MEAN. Public notice was published in the *Fountain Valley News* of Fountain, Colorado on February 16, and statewide notice in Nebraska was published in the *Omaha World Herald* on February 17, 2022. Written Notice was sent to the Nebraska Public Power District, the Western Area Power Association (WAPA) and Tri-State Generation and Transmission Association, Inc. Written Notice was also sent to the mayor of Fountain, Colorado. MEAN's legal counsel told the Board that Fountain is one of the communities that was reviewing its options regarding its involvement in MEAN. Fountain has not been using MEAN as a power purchaser and is using different avenues to receive its power. MEAN has reviewed its membership and asked Fountain to take the steps to be removed as a member. Fountain has not participated in MEAN for at least two years. Since there were no protests or objections to the petition, the Board can choose to have a hearing or to waive the hearing. At the Board's March 18, 2022 public meeting, the Board voted 4-0 (with one member absent) to waive a hearing and approve Municipal Energy Agency of Nebraska's Petition for Charter Amendment 38.

## **COMPLAINTS**

**C-54**  
**City of David City**  
**Against**  
**Butler Public Power District of David City, Nebraska**

On January 22, 2020, the City of David City filed a formal Complaint against Butler Public Power District. The basis for C-54 was that Butler PPD's recent increases in its wheeling rate were unfair and unreasonable. The complaint was filed under the provisions of Nebraska Revised Statute Section 70-1018. Under 70-1018, if power suppliers are unable to resolve a dispute concerning rates for service, a dispute can be submitted to the PRB. The PRB's settlement recommendation is advisory only. A hearing was set for March 9, 2020. On February 20, Butler PPD filed its Answer to the Complaint. A request for Continuance was filed and both parties agreed to reschedule the hearing for April 13. On March 30, David City filed a Motion to Dismiss, without prejudice. Pursuant to the PRB's Rules of Practice, Chapter 3, section 14, the PRB must vote to approve a request to withdraw any pleading once it is filed. At the Board's May 11, 2020 public meeting the Board voted unanimously to approve the dismissal of formal complaint C-54.

**C-55**  
**Mark DeBoer, Fairbury, Nebraska**  
**Against**  
**City of Fairbury, Nebraska**

On September 28, 2020, Mark Deboer filed a formal Complaint with the Board against the City of Fairbury. A Notice of Filing and Hearing Date was sent to the City of Fairbury. On October 21, 2020, Fairbury filed a Reply along with a Motion to Dismiss. On November 9, 2020, the Board conducted a hearing to accept oral arguments concerning the Motion to Dismiss and received briefs from the parties. On December 4, 2020, the Board issued an Order finding that it does have subject matter jurisdiction over the issues raised in C-55 and denied the Motion to Dismiss. A hearing on the merits was conducted on January 15, 2021. Briefs were submitted following the hearing. During the hearing the Complainant gave testimony that he was given an estimate of cost have service established to a grain bin. He originally wanted to have the bin site near his home. This would include the cost of several spans of poles to get to the home site. Fairbury's electrical superintendent stated that if the bin site was just across the road from the pole there would be no cost to serve the bin. In July 2020, the electrical superintendent who reviewed this service retired. Complainant contacted the City's line foreman in late July to

review the service requested. The City Board of Public Works (BOPW) held a public meeting on August 11, 2020. At this meeting the BOPW approved the work order for this service request. The BOPW approved the work order at no cost to Complainant. Complainant began the groundwork for the bin site and had concrete poured on September 15. On September 16, he received a letter from the City administrator informing him that he would need to pay \$4,701.80 for the service. Fairbury's Policy C states that expenses would not be charged to the customer for a line extension up to 500 feet. Fairbury took the position that the service was not an extension. After this letter Fairbury did several estimates of cost to serve this grain bin location. The Board found that it had authority to order a Nebraska power supplier to comply with its own policies and to require it to implement its formal decisions made regarding an applicant's request for electric service. On March 15, 2021, the Board issued a written Order in favor of Complainant.

**C – 56**  
**Bobbi L. Fagan**  
**Against**  
**Lincoln Electric System, Lincoln, Nebraska**

On December 14, 2021, Bobbi Fagan filed a formal complaint against the Lincoln Electric System. The Complaint stated that LES failed to transfer the electric service for the apartment into her name and failed to provide electric service to her at the residence after her request to do so. A notice of Hearing was sent to LES and the Complainant's address via certified U.S. mail. The Complainants' envelope was returned to the PRB's office and stamped "RETURN TO SENDER-VACANT-UNABLE TO FORWARD". The PRB had only the address and no other contact information for Complainant. LES filed a Reply and in this asserted that electric service at the apartment was provided to an individual named Daniel J. Rousseau. Also included in Reply was an electronic certified copy of an Order issued by the Lancaster County Court, CI 21-11054 dated December 6, 2021, in which the Court ordered the issuance of a writ of restitution in favor of the owner of the apartment. The Court's Order commanded the Sheriff or Constable to remove Complainant from the property. The writ ordered that Complainant was to be removed from the property on or after December 16, 2021. Based on the foregoing, Complainant no longer resides at, nor has legal right to enter or possess, the property. Based on this information the Board found the subject matter of C-56 is now moot. The hearing officer cancelled the hearing scheduled for January 21, 2022. At the Board's February 18, 2022, public meeting the Board found the basis for C-56 is now moot and voted 4-0 (with one Board seat vacant) to Dismiss C-56.

**PRIVATELY  
DEVELOPED RENEWABLE ENERGY  
GENERATION FACILITIES**



Nebraska Revised Statute section 70-1014.2(2)(a)(i)-(v) sets out the certification requirements for a privately developed renewable energy generation facility. These requirements are set out in a notice that is submitted to the Power Review Board. Once a private developer or facility owner submits a notice to the Power Review Board, the executive director has ten days to issue a written acknowledgment that the privately developed renewable energy generation facility is exempt from Neb. Rev. Stat. sections 70-1012 to 70-1014.01.

In the biennial period of July 1, 2020, through June 30, 2022, the Power Review Board received twelve (12) Notices of Certifications of Privately Developed Renewable Energy Facilities. The listing below provides the date of certification, the facility name, generating capacity, type of renewable and approximate location.

1. October 5, 2021: East 12<sup>th</sup> 009412 SCS Saunders, LLC; 2 Megawatt AC Solar; Saunders County, Wahoo, NE
2. April 19, 2021: Platteview Solar, LLC; 81 Megawatt AC (97.2 Megawatt DC) Solar; Saunders County, Yutan, NE
3. February 18, 2021: Big Blue Nebraska Wind, LLC; 300 Megawatt Jefferson County near Plymouth and Harbine, NE
4. February 2, 2021: South 49<sup>th</sup> 0013445 SCS Norfolk, LLC; 8.5 Megawatt AC & 1 Megawatt /2.146MHR Solar and Storage; Madison County, Norfolk, NE
5. December 29, 2020: Big Allis Solar, LLC; 305 Megawatt Clay and Adams County near Deweese, NE
6. October 1, 2020: Oertwich Farms, LLC; 251.25 kilowatt DC; Clarkson, NE
7. October 1, 2020: Right Wing Acres, LLC; 251.25 kilowatt DC; Clarkson, NE
8. August 28, 2020: Haystack Wind Project, LLC; 300 Megawatt; Wayne County
9. August 25, 2020: Elkhorn Solar, LLC; 2 Megawatt (DC); Antelope County
10. August 25, 2020: Elkhorn Solar II, LLC; 3 Megawatt (DC); Antelope County
11. August 25, 2020: Elkhorn Solar III, LLC; 4 Megawatt (DC); Antelope County
12. August 6, 2020: Monroe 009452 SCS Cozad, LLC; 2 Megawatt AC Solar; Dawson County, Cozad

**ROSTER OF POWER SUPPLIERS  
OPERATING IN  
THE STATE OF NEBRASKA**

<b>Wholesale Power Suppliers</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Central Nebraska Public Power & Irrigation District	\$18,946,463.00	\$2,483.02	\$13,176,374.00	\$1,653.78
*Loup River Public Power District	\$99,699,413.00	\$13,066.04	\$100,770,258.00	\$12,647.76
Municipal Energy Agency of Nebraska	\$51,192,099.00	\$6,708.94	\$52,092,284.00	\$6,538.15
*Nebraska Public Power District	\$1,102,053,000.00	\$144,428.79	\$1,220,618,000.00	\$153,200.80
*Omaha Public Power District	\$1,083,900,540.41	\$142,049.83	\$1,496,920,134.37	\$187,879.71
Tri-State G and T Association, Inc.	\$91,809,428.81	\$12,032.02	\$88,676,036.55	\$11,129.80
*Indicates power suppliers that sell electricity at both wholesale and retail.				
<b><u>Public Power Districts and Cooperatives</u></b>				
Burt County Public Power District	\$14,186,411.00	\$1,859.19	\$12,983,638.00	\$1,629.59
Butler Public Power District	\$21,118,608.00	\$2,767.68	\$20,954,696.00	\$2,630.04
Cedar-Knox Public Power District	\$24,161,983.00	\$3,166.53	\$23,777,986.04	\$2,984.40
Cherry-Todd Electric Cooperative, Inc.	\$3,411,565.57	\$447.10	\$3,570,307.60	\$448.11
Chimney Rock Public Power District	\$7,462,614.53	\$978.01	\$7,571,415.00	\$950.29
Cornhusker Public Power District	\$38,077,429.00	\$4,990.21	\$37,465,605.00	\$4,702.34
Cuming County Public Power District	\$11,041,741.00	\$1,447.07	\$10,771,489.35	\$1,351.94
Custer Public Power District	\$30,237,280.00	\$3,962.73	\$31,242,478.00	\$3,921.27

<b>Public Power Districts and Cooperatives</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Dawson Public Power District	\$64,953,511.00	\$8,512.44	\$66,426,364.00	\$8,337.23
Elkhorn Rural Public Power District	\$31,038,217.41	\$4,067.69	\$32,212,331.26	\$4,043.00
High West Energy, Inc.	\$13,797,588.69	\$1,808.23	\$13,719,809.72	\$1,721.98
Highline Electric Association	\$11,446,267.47	\$1,500.08	\$10,618,789.78	\$1,332.77
Howard Greeley Rural Public Power District	\$13,944,352.00	\$1,827.47	\$13,507,631.00	\$1,695.35
Imperial Public Power District	\$2,176,441.00	\$285.23	\$2,208,163.00	\$277.15
K.B.R. Rural Public Power District	\$12,930,421.00	\$1,694.59	\$13,413,895.00	\$1,683.59
LaCreek Electric Association, Inc.	\$838,264.00	\$109.86	\$818,165.06	\$102.69
Loup Valley Rural Public Power District	\$15,443,047.00	\$2,023.88	\$16,277,673.26	\$2,043.02
McCook Public Power District	\$17,359,776.00	\$2,275.07	\$16,996,568.00	\$2,133.25
Midwest Electric Cooperative, Inc.	\$31,238,752.83	\$4,093.97	\$30,163,208.01	\$3,785.81
Niobrara Electric Association, Inc.	\$1,519,173.79	\$199.09	\$1,550,059.79	\$194.55
Niobrara Valley Electric Membership Corporation	\$14,808,069.64	\$1,940.66	\$15,880,641.11	\$1,993.19
Norris Public Power District	\$81,250,961.00	\$10,648.29	\$82,252,648.00	\$10,323.60
North Central Public Power District	\$17,365,281.18	\$2,275.79	\$17,672,268.68	\$2,218.06
Northeast Nebraska Public Power District	\$30,225,762.00	\$3,961.22	\$25,965,419.00	\$3,258.94
Northwest Rural Public Power District	\$11,163,749.00	\$1,463.06	\$11,753,970.57	\$1,475.25

<b>Public Power Districts and Cooperatives</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Panhandle Rural Electric Membership Association	\$15,258,116.00	\$1,999.64	\$15,568,140.00	\$1,953.97
Perennial Public Power District	\$29,113,053.00	\$3,815.39	\$29,848,624.00	\$3,746.33
Polk County Rural Public Power District	\$13,101,241.00	\$1,716.97	\$13,003,455.00	\$1,632.07
Rolling Hills Electric Cooperative, Inc.	\$19,034.70	\$2.49	\$23,592.71	\$2.96
Roosevelt Public Power District	\$8,138,335.00	\$1,066.56	\$8,345,724.81	\$1,047.48
South Central Public Power District	\$18,251,643.07	\$2,391.96	\$18,094,876.00	\$2,271.10
Southern Public Power District	\$90,309,565.00	\$11,835.46	\$85,193,568.00	\$10,692.72
Southwest Public Power District	\$22,629,606.16	\$2,965.71	\$22,604,666.00	\$2,837.13
Stanton County Public Power District	\$13,044,775.23	\$1,709.57	\$12,934,735.53	\$1,623.45
Twin Valleys Public Power District	\$17,267,813.00	\$2,263.02	\$16,833,778.00	\$2,112.82
Wheatbelt Public Power District	\$20,352,848.36	\$2,667.33	\$20,610,576.45	\$2,586.85
Wyrulec Company	\$2,598,879.00	\$340.59	\$2,576,401.00	\$323.37
Y-W Electric Association, Inc.	\$852,144.27	\$111.68	\$787,710.59	\$98.87

<b>Municipal Power Suppliers - Generation &amp; Distribution</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Alliance, City of	\$14,316,924.00	\$1,876.29	\$14,242,643.40	\$1,787.61
Ansley, Village of	\$650,229.59	\$85.22	\$642,426.74	\$80.63
Arnold, Village of	\$934,864.28	\$122.52	\$953,944.98	\$119.73
Auburn, City of	\$5,996,932.00	\$785.92	\$5,884,252.88	\$738.54
Beaver City, City of	\$780,307.84	\$102.26	\$1,112,905.00	\$139.68
Benkelman, City of	\$1,513,075.39	\$198.30	\$1,493,392.31	\$187.44
Blue Hill, City of	\$716,534.48	\$93.90	\$723,354.28	\$90.79
Broken Bow, City of	\$9,566,233.04	\$1,253.70	\$9,879,168.08	\$1,239.94
Burwell, City of	\$1,672,020.57	\$219.13	\$1,625,159.22	\$203.98
Callaway, Village of	\$880,031.65	\$115.33	\$1,093,053.71	\$137.19
Cambridge, City of	\$4,444,086.09	\$582.42	\$3,421,711.32	\$429.46
Campbell, Village of	\$245,685.17	\$32.20	\$257,316.84	\$32.30
Chappell, City of	\$952,604.36	\$124.84	\$982,011.85	\$123.25
Crete, City of	\$11,720,862.00	\$1,536.07	\$11,340,228.24	\$1,423.32
Curtis, City of	\$1,642,409.00	\$215.24	\$1,620,655.48	\$203.41
David City, City of	\$4,951,334.89	\$648.89	\$5,208,701.95	\$653.75
Deshler, City of	\$865,103.28	\$113.38	\$850,949.92	\$106.80
Emerson, City of	\$636,429.07	\$83.41	\$646,833.50	\$81.18
Fairbury, City of	\$11,003,298.00	\$1,442.03	\$11,555,571.00	\$1,450.35
Falls City, City of	\$5,773,856.00	\$756.69	\$5,890,584.00	\$739.33
Franklin, City of	\$1,271,078.34	\$166.58	\$1,276,883.92	\$160.26
Fremont, City of	\$45,073,377.00	\$5,907.06	\$53,285,197.00	\$6,687.87
Grand Island, City of	\$80,525,479.00	\$10,553.21	\$133,493,895.00	\$16,754.93
Hastings, City of	\$37,704,959.00	\$4,941.40	\$54,539,408.00	\$6,845.29
Holdrege, City of	\$9,524,416.00	\$1,248.22	\$10,087,071.00	\$1,266.04

<b>Municipal Power Suppliers - Generation &amp; Distribution</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Imperial, City of	\$3,618,657.00	\$474.24	\$3,602,406.00	\$452.14
Kimball, City of	\$3,112,759.89	\$407.94	\$2,675,619.96	\$335.82
Laurel, City of	\$1,231,085.61	\$161.34	\$1,183,461.12	\$148.54
Lincoln, City of	\$303,135,558.00	\$39,727.22	\$359,207,763.00	\$45,084.47
Lodgepole, Village of	\$315,690.10	\$41.37	\$318,947.81	\$40.03
Lyons, City of	\$810,014.60	\$106.16	\$816,670.95	\$102.50
Madison, City of	\$6,908,000.00	\$905.32	\$6,486,431.24	\$814.12
Minden, City of	\$3,365,881.00	\$441.11	\$3,350,664.21	\$420.54
Mullen, City of	\$575,197.37	\$75.38	\$613,522.71	\$77.00
Nebraska City, City of	\$14,108,180.22	\$1,848.94	\$16,136,105.69	\$2,025.26
Neligh, City of	\$2,074,622.22	\$271.89	\$2,047,895.36	\$257.03
Ord, City of	\$3,650,626.93	\$478.43	\$3,622,383.55	\$454.65
Oxford, Village of	\$1,418,212.64	\$185.86	\$978,205.51	\$122.78
Pender, Village of	\$1,956,072.02	\$256.35	\$1,959,455.51	\$245.93
Randolph, City of	\$944,559.41	\$123.79	\$918,981.14	\$115.34
Red Cloud, City of	\$1,568,896.92	\$205.61	\$1,581,804.30	\$198.53
Sargent, City of	\$745,866.62	\$97.75	\$754,500.33	\$94.70
Schuyler, City of	\$11,703,412.00	\$1,533.78	\$12,265,344.00	\$1,539.43
Sidney, City of	\$9,475,866.00	\$1,241.85	\$9,318,546.00	\$1,169.58
Spalding, Village of	\$672,000.00	\$88.07	\$675,430.00	\$84.77
Stratton, Village of	\$413,741.64	\$54.22	\$417,709.48	\$52.43
Stuart, Village of	\$824,536.93	\$108.06	\$820,346.96	\$102.96
Tecumseh, City of	\$3,347,976.47	\$438.77	\$3,162,141.18	\$396.88
Trenton, Village of	\$622,262.08	\$81.55	\$613,965.03	\$77.06

<b>Municipal Power Suppliers - Generation &amp; Distribution</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Wahoo, City of	\$6,167,439.00	\$808.27	\$5,942,726.39	\$745.88
Wakefield, City of	\$3,594,263.75	\$471.04	\$3,544,428.50	\$444.86
Wauneta, Village of	\$780,072.58	\$102.23	\$782,403.67	\$98.20
Wayne, City of	\$7,568,471.58	\$991.88	\$8,916,934.02	\$1,119.17
West Point, City of	\$6,956,121.44	\$911.63	\$6,741,648.92	\$846.15
Wilber, City of	\$1,670,705.95	\$218.95	\$1,750,813.25	\$219.75
<b><u>Municipal Power Supplier - Distribution Only</u></b>				
Arapahoe, City of	\$1,425,819.71	\$186.86	\$1,508,641.53	\$189.35
Bartley, Village of	\$658,753.00	\$86.33	\$544,064.64	\$68.29
Battle Creek, City of	\$1,067,104.00	\$139.85	\$1,074,158.94	\$134.82
Bayard, City of	\$1,212,940.61	\$158.96	\$1,235,845.14	\$155.11
Beatrice, City of	\$15,469,093.46	\$2,027.29	\$16,643,595.45	\$2,088.95
Bradshaw, Village of	\$346,580.67	\$45.42	\$358,685.18	\$45.02
Brainard, Village of	\$517,565.16	\$67.83	\$346,464.58	\$43.49
Bridgeport, City of	\$1,835,944.79	\$240.61	\$1,870,279.66	\$234.74
Central City, City of	\$3,805,069.56	\$498.67	\$3,639,667.46	\$456.82
Chester, Village of	\$281,252.53	\$36.86	\$283,867.96	\$35.63
Cozad, City of	\$4,799,191.32	\$628.95	\$4,900,730.29	\$615.09
Davenport, Village of	\$359,196.94	\$47.07	\$374,803.25	\$47.04
Decatur, Village of	\$523,982.00	\$68.67	\$528,851.95	\$66.38
DeWitt, Village of	\$679,184.00	\$89.01	\$787,186.00	\$98.80
Dorchester, Village of	\$775,135.38	\$101.58	\$674,067.40	\$84.60



<b>Municipal Power Suppliers - Distribution Only</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
Elk Creek, Village of	\$83,736.98	\$10.97	\$77,408.85	\$9.72
Endicott, Village of	\$99,429.77	\$13.03	\$108,441.46	\$13.61
Fairmont, Village of	\$494,050.95	\$64.75	\$545,020.52	\$68.41
Friend, City of	\$1,194,346.96	\$156.52	\$1,211,723.86	\$152.08
Gering, City of	\$9,823,028.72	\$1,287.35	\$9,668,184.62	\$1,213.46
Gilead, Village of	\$44,173.24	\$5.79	\$49,114.58	\$6.16
Giltner, Village of	\$342,332.60	\$44.86	\$327,658.05	\$41.12
Gothenburg, City of	\$5,058,788.01	\$662.98	\$5,058,274.69	\$634.87
Grant, City of	\$2,074,511.82	\$271.87	\$2,096,210.58	\$263.10
Greenwood, Village of	\$525,868.80	\$68.92	\$487,179.54	\$61.15
Hampton, Village of	\$555,429.97	\$72.79	\$430,465.38	\$54.03
Hebron, City of	\$1,782,912.52	\$233.66	\$2,057,062.45	\$258.18
Hemingford, Village of	\$1,243,843.39	\$163.01	\$1,079,222.16	\$135.45
Hickman, City of	\$1,518,875.57	\$199.06	\$1,623,056.61	\$203.71
Hildreth, Village of	\$340,759.03	\$44.66	\$322,150.88	\$40.43
Hubbell, Village of	\$99,335.87	\$13.02	\$152,526.13	\$19.14
Indianola, City of	\$528,614.92	\$69.28	\$529,132.61	\$66.41
Lexington, City of	\$17,127,693.32	\$2,244.66	\$18,205,102.29	\$2,284.94
Lyman, Village of	\$676,215.65	\$88.62	\$685,575.59	\$86.05
Mitchell, City of	\$1,601,847.23	\$209.93	\$1,498,724.14	\$188.11
Morrill, Village of	\$2,331,655.16	\$305.57	\$2,403,371.10	\$301.65
Nelson, City of	\$487,066.57	\$63.83	\$525,773.00	\$65.99

<b>Municipal Power Suppliers - Distribution Only</b>	<b>Gross Income Calendar Year 2020</b>	<b>Assessment Fiscal Year 2021-2022</b>	<b>Gross Income Calendar Year 2021</b>	<b>Assessment Fiscal Year 2022-2023</b>
North Platte, City of	\$27,492,651.83	\$3,603.03	\$27,437,200.17	\$3,443.67
Pierce, City of	\$2,454,574.20	\$321.68	\$2,167,677.96	\$272.07
Polk , Village of	\$441,789.49	\$57.90	\$431,683.44	\$54.18
Prague, Village of	\$303,015.86	\$39.71	\$311,727.79	\$39.13
Reynolds, Village of	\$99,678.82	\$13.06	\$99,168.58	\$12.45
St. Paul, City of	\$2,563,048.99	\$335.90	\$2,593,671.00	\$325.53
Scribner, City of	\$1,087,735.56	\$142.55	\$1,071,439.38	\$134.48
Seward, City of	\$9,878,284.71	\$1,294.59	\$8,597,736.57	\$1,079.11
Shickley, Village of	\$402,729.19	\$52.78	\$412,489.00	\$51.77
Snyder, Village of	\$712,247.68	\$93.34	\$777,843.33	\$97.63
South Sioux City, City of	\$22,330,173.81	\$2,926.47	\$22,956,845.93	\$2,881.33
Spencer, Village of	\$655,863.26	\$85.95	\$687,350.23	\$86.27
Stromsburg, City of	\$1,187,927.10	\$155.68	\$1,193,871.42	\$149.84
Superior, City of	\$2,483,719.10	\$325.50	\$2,454,977.00	\$308.13
Sutton, City of	\$1,719,395.00	\$225.33	\$1,723,638.00	\$216.34
Syracuse, City of	\$1,979,452.42	\$259.42	\$1,972,382.96	\$247.56
Talmage, Village of	\$216,966.65	\$28.43	\$218,008.63	\$27.36
Valentine, City of	\$4,406,225.18	\$577.45	\$4,377,991.62	\$549.49
Walthill, Village of	\$563,034.34	\$73.79	\$558,841.63	\$70.14
Weston, Village of	\$246,556.36	\$32.31	\$222,563.07	\$27.93
Wilcox, Village of	\$445,326.73	\$58.36	\$314,374.69	\$39.46
Winside, Village of	\$320,258.14	\$41.97	\$312,287.77	\$39.20
Wisner, City of	\$1,530,035.95	\$200.52	\$1,566,831.98	\$196.65
Wood River, City of	\$1,261,891.23	\$165.38	\$1,496,509.54	\$187.83
Wymore, City of	\$1,116,988.97	\$146.39	\$1,150,931.32	\$144.45

## POWER SUPPLIERS BY CATEGORY

Supplier	<u>Fiscal Year 2019-2020</u>		<u>Fiscal Year 2020-2021</u>	
	Number of Suppliers	Gross Income Calendar Year 2018	Number of Suppliers	Gross Income Calendar Year 2019
Wholesale	5	\$ 2,463,532,017.00	5	\$ 2,383,185,268.56
Generation and Transmission Associations	1	\$ 80,726,495.77	1	\$ 85,218,498.37
Public Power Districts and Cooperatives	39	\$ 730,998,326.18	38	\$ 749,974,556.51
Municipal-Generation and Distribution	56	\$ 633,770,585.06	56	\$ 654,082,476.10
Municipal-Distribution Only	65	\$166,297,587.57	65	\$ 167,114,997.27
<b>INDUSTRY TOTAL</b>	166	\$ 4,075,325,011.58	165	\$ 4,039,575,796.81

Supplier	<u>Fiscal Year 2021-2022</u>		<u>Fiscal Year 2022-2023</u>	
	Number of Suppliers	Gross Income Calendar Year 2020	Number of Suppliers	Gross Income Calendar Year 2021
Wholesale	5	\$ 2,355,791,515.41	5	\$ 2,883,577,050.37
Generation and Transmission Associations	1	\$91,809,428.81	1	\$88,676,036.55
Public Power Districts and Cooperatives	38	\$772,134,320.90	38	\$ 766,201,068.32
Municipal-Generation and Distribution	55	\$656,698,880.01	55	\$ 793,314,575.41
Municipal-Distribution Only	62	\$167,690,900.75	62	\$ 169,020,331.53
<b>INDUSTRY TOTAL</b>	161	\$ 4,044,125,045.88	161	\$ 4,700,789,062.18

**LOAD AND CAPABILITY REPORT**  
**PREPARED BY**  
**NEBRASKA POWER ASSOCIATION**



# **2021 NEBRASKA POWER ASSOCIATION LOAD AND CAPABILITY REPORT**

**August 2021**



## **2021 Nebraska Power Association Load and Capability Report**

### **Executive Summary**

In summary, based on Existing and Committed resources, the statewide deficit occurs in 2039 for the Minimum Obligation as shown in Exhibit 1. The statewide deficit for the Minimum Obligation in the 2020 report showed a State deficit occurring in 2026. Exhibit 2 is the corresponding load and capability data in tabular format. The deficit year changes due to “planned” generating units now being “committed”.

The Minimum Obligation, with Planned and Studied resources included, is satisfied in all years as shown in Exhibit 3. The 2040 surplus of 319 MW in this study is actually 276 MW lower than what was shown in the 2020 study; a 2039 end year amount of 595 MW. This is mostly due to increased load growth.

### **Introduction**

This report is the annual statewide load and capability report prepared by the Nebraska Power Association for the Nebraska Power Review Board, in accordance with subsection (3) of the statute below. It provides the sum of Nebraska’s utilities’ peak demand forecasts and resources over a 20-year period (2021-2040).

#### State Statute (70-1025) Requirement

70-1025. Power supply plan; contents; filing; annual report.(1) The representative organization shall file with the board a coordinated long-range power supply plan containing the following information:(a) The identification of all electric generation plants operating or authorized for construction within the state that have a rated capacity of at least twenty-five thousand kilowatts;(b) The identification of all transmission lines located or authorized for construction within the state that have a rated capacity of at least two hundred thirty kilovolts; and(c) The identification of all additional planned electric generation and transmission requirements needed to serve estimated power supply demands within the state for a period of twenty years.(2) Beginning in 1986, the representative organization shall file with the board the coordinated long-range power supply plan specified in subsection (1) of this section, and the board shall determine the date on which such report is to be filed, except that such report shall not be required to be filed more often than biennially.(3) An annual load and capability report shall be filed with the board by the representative organization. The report shall include statewide utility load forecasts and the resources available to satisfy the loads over a twenty-year period. The annual load and capability report shall be filed on dates specified by the board. Source Laws 1981, LB 302, § 3; Laws 1986, LB 948, § 1.

## **Demand and Capacity Expectations**

### Peak Demand Forecast

The current combined statewide forecast of non-coincident peak demand is derived by summing the demand forecasts for each individual utility. Each utility supplied a peak demand forecast and a load and capability table based on the loads having a 50/50 probability of being higher or lower. Over the twenty-year period of 2021 through 2040, the average annual compounded peak demand growth rate for the State is projected at 0.7% per year (individual utilities range from -0.1%/yr to 1.2%/yr). The escalation rate that was shown in last year's report for 2020 through 2039 was 0.6%.

### Planning Reserve Margin Requirement/Reserve Sharing Pool

In addition to the load requirements of the state's customers, the state utilities must also maintain reserves above their peak demand forecast ("Minimum Obligation"). The "Minimum Obligation" line is the statewide obligation based on the 50/50 forecast (normal weather) and the minimum 12% reserve margin of the Southwest Power Pool (SPP) Reserve Sharing Pool. All SPP Reserve Sharing members must maintain the specified reserve requirement in order to assist each other in the case of emergencies such as unit outages. The reserve requirement of the pool is reduced by having a reserve sharing pool, instead of individual utilities carrying the entirety of their own reserves to protect them from the loss of their largest unit on their system. The 2021 NPA L&C Report utilizes the SPP planning reserve margin of 12% for the 20-year period.

The capacity required to meet the SPP planning reserve margin is a significant resource capability over and above the Nebraska load requirement. This amount of capacity equates to 736 MW in 2021 and 849 MW by 2040.

## **Resources**

### Existing/Committed

The State has an "Existing" in-service summer creditable generating resource capability of 7,673 MW. This is up from 7,607 MW shown in the previous 2020 report. The changes were mostly increases in wind accreditation. There are 731 MW of "Committed" nameplate or 664 MW accredited resources included in this report (the projects have Nebraska Power Review Board approval if required – PURPA qualifying and non-utility renewable projects do not need NPRB approval). In 2023 OPPD's 150 MW Standing Bear Lake natural gas fired reciprocating engine project, 450 MW Turtle Creek natural gas combustion turbine project and the 81 MW (64.8 MW accredited) Platteview solar project are expected to be commercial. Also, in 2024 Grand Island's 50 MW Prairie Hills Wind Farm is to be completed. There is an additional 17.5 MW of committed renewable behind the meter generation (BTM) to be added between 2022 and 2023. This includes the "Committed" 1.0 MW Norfolk Battery Energy Storage System scheduled to be on-line in 2022.



### Planned

“Planned” resources are units that utilities have authorized expenditures for engineering analysis, an architect/engineer, or permitting, but do not have NPRB approval - if that approval is required, or do not have a contractual commitment. OPPD has 419 MW of nameplate or 335 MW accredited renewable (solar) resources planned.

### Studied

Resources identified as “Studied” for this report provide a perspective of future resource requirements beyond existing, committed and planned resources. For any future years when existing, committed, and planned resources would not meet a utility’s Minimum Obligation, each utility establishes studied resources in a quantity to meet this deficit gap. These Studied resources are identified based on renewable, base load, intermediate, peaking, and unspecified resources considering current and future needs. The result is a listing of the preferable mix of renewable, base load, intermediate, peaking and unspecified resources for each year. The summation of studied resources will provide the basis for the NPRB and the state’s utilities to understand the forecasted future need by year and by resource type. This can be used as a joint planning document and a tool for coordinated, long-range power supply planning.

There are 75 MW of “Studied” resources that include 0 MW of nameplate renewable resources, 25 MW of base load capacity in 2027, 0 MW of intermediate capacity, 0 MW of peaking resources and 50 MW of unspecified capacity in 2024.

### Committed/Planned/Studied Exhibits

Exhibit 3 shows the statewide load and capability chart considering 7,673 MW of Existing, 731 MW of Committed (nameplate) (664 MW accredited), 419 MW Planned (nameplate or 335 MW accredited), and 75 MW of Studied resources. Some existing wind renewables are currently shown at “zero” accredited capability due to the small accreditation values allowable under SPP’s Criteria (explained in next section). Exhibit 4 is the corresponding load and capability table. As intended, these exhibits show how the Minimum Obligation can be met with the addition of the studied resources.

The Committed, Planned, and Studied nameplate capability resources are summarized in Exhibit 5, (which includes BTM). Exhibit 6 summarizes the Existing, Committed, Planned, and Studied renewable resources and also includes BTM resources in the tabulation.

## **Non-Utility Resources**

Non-utility wind purchases have also accelerated and are summarized as follows. This information is gathered from publicly available industry publications and newspapers and may not be complete. These projects also do not represent retail choice, as they are not directly attributed to serving retail customers within the state. The 318 MW (nameplate rated) Rattlesnake Creek wind facility began commercial operation in December 2018 and energy from this facility is purchased by Facebook and Adobe Systems. Facebook

is procuring energy from Rattlesnake Creek for their data facility in Sarpy County. The WEC Energy Group (an electric generation and distribution and natural gas delivery holding company), based in Milwaukee, Wisconsin, signed a Purchase and Sale Agreement for 80% of the Upstream Wind Energy Center (202.5 MW nameplate) located just north of the City of Neligh. Invenergy, the developer, has retained a 20% interest in the project which went commercial in the first part of 2019. Both the J.M. Smucker Company and Vail Resorts have Power Purchase Agreements in place to purchase energy from the 230 MW (nameplate) Plum Creek Wind Project in Wayne County which went commercial in July 2020. Smucker's purchase is for 60 MW while Vail Resorts will purchase 310,000 MWh annually for 12 years. A Milligan 1 300 MW wind farm built in Saline County, by EDF Renewables did go commercial in May 2021. The announcement said it would sell its generated energy into the Southwest Power Pool. Hormel Foods has announced a Power Purchase Agreement for wind energy from a new wind farm near Milligan (Milligan 3), located in Saline County 60 miles southwest of Lincoln which had a projected completion date of 2020 but is not yet commercial. The wind farm had a planned capability of 74 MW (nameplate) of power. The 300 MW Thunderhead Energy Center that was announced to be built in Antelope and Wheeler counties with a completion date of the end of 2020 also is not commercial. This wind facility was to be built by Invenergy with AT&T reportedly taking all of the energy from it. NextEra's Little Blue Wind Project located in Webster and Franklin Counties is currently under construction. This up to 250 MW project is scheduled to begin operations by the end of 2021. No information on off-takers is available.

## **Non-Carbon, Renewable and Demand Side Resources**

The State has 2,198 MW of commercially operating renewable nameplate resources for the peak of 2021, of which 77 MW are behind the utility meter (not net metered) as shown in Exhibit 6. There is also 114 MW of instate hydro for Nebraska's use not included in this total. These amounts do not include any wind which may be installed by developers in Nebraska for export to load outside the state. Wind with its intermittency is relied upon by Nebraska utilities for only a small percentage of its full nameplate rating to meet peak load conditions. Correspondingly, for wind and solar the SPP has criteria to determine this specific accreditable capacity percentage. The criteria are based on actual performance of solar and wind facilities and how successfully they produce energy during actual utility peak load hours. The rating is determined by following SPP's criteria to calculate the accredited rating for the facility. The accredited rating based on actual performance generally requires a minimum of 3 years' history. SPP criteria allows for a 5% accreditation rating for new wind installations with less than 3 years history and 10% for solar. SPP's Supply Adequacy Working Group is currently pursuing implementation of an effective load carrying capability (ELCC) method of determining wind, solar and storage accreditation which would replace the currently used criteria. The method is scheduled to go into effect for the summer of 2023. The ELCC is a probabilistic based accreditation reflecting an intermittent resource's ability to reliably serve load. The existing accreditation method produces a resulting accreditation which is independent of

overall penetration of that type of resource in the SPP footprint. Contrarily, the ELCC is affected by overall penetration level of the resource in a footprint, and the general principle is that as overall penetration grows, the accreditation benefit on a percent of nameplate goes down. During the years before 2023, SPP will provide “information only” ELCC accreditation levels on an annual basis to provide SPP members/stakeholders with an indication of the magnitude of percentage accreditation in anticipation of actual implementation for the summer of 2023. Even as accredited capacity ratings decline, wind and solar generation renewable resources are desirable for being emission-free and having a zero fuel cost. Nebraska utilities are adding renewables to take advantage of these attributes.

In order to preserve an additional amount of certainty in the accreditation benefit which Load Responsible Entities (LRE) expect to receive from wind and solar resources, the SPP ELCC methodology allows for a priority tier under the ELCC study. The tier is based on the nameplate of the wind or solar portfolio as a percent of a LRE’s recent historical peak load. The tier is 35% for wind and 20% for solar resources that have firm transmission service. This means as LREs across SPP continue to add wind and solar, they know their renewable accreditation for resources within these percentages will be diminished only up to a point. As an individual LRE may choose to add renewables beyond 35 and 20 percent, then those renewables will be included in a larger ELCC renewable tier and be subject to further diminishing ELCC accreditation on renewables. The SAWG is also implementing ELCC accreditation for storage resources which also receive diminished accreditation as the penetration of storage increases.

Demand side resources are loads that can be reduced, shifted, turned-off or taken off the grid with the goal of lowering the overall load utilities have to serve. Ideally this load is best reduced to correspond to utilities’ peak load hours. The advantage for utilities is the demand reduction will reduce the need for adding accredited generation in current or future years.

Exhibit 6.1 shows the Statewide Renewable Generation by Nameplate. Exhibit 7.1 shows the Statewide Renewable and Greenhouse Gas Mitigating Resources.

Included below are summaries of the utilities in regard to their renewable and/or sustainable goals and demand side programs.

#### NPPD

NPPD owns or has agreements with these non-carbon resources:

- 558 MW of hydroelectric generation, including the Western Area Power Administration agreement.
- 770 MW of nuclear power at Cooper Nuclear Station.
- 320 MW of nameplate wind (NPPD’s share).

For 2020, non-carbon generation resources were approximately 62% of NPPD's Native Load Energy Sales from the resources discussed above. Most of the non-carbon generation is due to nuclear, and 2020 was a refueling year.

In early 2021, NPPD signed a Letter of Intent to assist Monolith Materials in their sustainability pursuits by bringing additional renewable energy resources into the District's generation mix. A Request for Proposal (RFP) was issued this spring to solicit bids for new wind and/or solar facilities, as well as potential complementary energy storage, in accordance with this plan. Responses to the RFP are due this June. The expected completion date of the new generation is sometime in 2025. Due to the PPA timing and uncertainty of the renewables mix, this is not reflected in NPPD's load and capability at this time.

NPPD's Demand Side Management program consists of Demand Response and Energy Efficiency. NPPD presently has a successful demand response program, called the Demand Waiver Program, to reduce summer billable peaks. The majority of savings in this program are due to irrigation load control by various wholesale customers, which accounted for approximately 525 MW of demand reduction from NPPD's billable peak during the summer of 2020. Another 11 MW of demand reduction was realized from other sources.

NPPD implemented an interruptible rate, Special Power Product #8, allowing qualified large end-use customers (served by wholesale or retail) to curtail demand during NPPD specified periods.

NPPD has a series of energy efficiency and demand-side management initiatives under the EnergyWise<sup>SM</sup> name. Annually, these programs have sought to achieve a first year savings of more than 12,000 MWh and demand reductions greater than 2 MW. Accumulated first year energy savings through 2020 are 353,150 MWh and demand reductions are 57 MW.

NPPD recently completed a Carbon Business Risk Reduction study to explore resource mixes that are low cost and still provide reliability under a variety of potential future carbon regulations. The study results will be one consideration among many when NPPD's Board of Directors establishes a strategic directive (SD-05) concerning decarbonization. The process to develop this strategic directive has started and is expected to be used in development of the next Integrated Resource Plan (IRP) which is due in early 2023. At this time NPPD has no plans to retire/decommission any of its existing generation units.

#### OPPD

OPPD values a diverse resource mix as a means of achieving its mission of providing affordable, reliable, and environmentally sensitive energy services to its customers. In November of 2019 OPPD's Board of Directors adopted a goal in its Strategic Directives of achieving net zero carbon production by 2050. In alignment with this goal, and balanced with its mission, OPPD in 2021 is studying Pathways to Decarbonization. This will model

the current portfolio of generation resources, in addition to resources and technology needed to meet the goal of decarbonization, while supporting future load growth and OPPD's mission. OPPD will incorporate the information resulting from the Power with Purpose study and the Pathways to Decarbonization study into its 2021 Integrated Resource Plan.

At the close of 2020, OPPD met 38.4% of retail customer electrical energy sales with wind energy, energy from landfill gas, hydro energy, and solar energy. OPPD's renewable portfolio at 2020 year-end consisted of 971.7 MW of wind by nameplate, 5 MW of nameplate solar, 6.3 MW of landfill gas generation as well as purchased hydro power.

OPPD has announced a new 81 MW (nameplate) utility scale solar facility in Saunders County south of Yutan. The Platteview Solar will be a 500 acre facility and is targeted for construction beginning in 2022. This is the first step towards OPPD's Power with Purpose intended goal of 400 to 600 MW of utility scale solar power.

OPPD has received Power Review Board approval and is in the process of sourcing its first utility-scale battery storage facility. This resource will be utilized as a generation and transmission asset providing energy arbitrage, voltage support and various other functions, with a power rating of 1 MW and a storage capacity of 2 MWh. The project will be partially funded through the BRIGHT grant from the Nebraska Environmental Trust and is planned to be operational in late 2022.

OPPD's demand side resource programs can achieve over 117 MW of peak load reduction ability as of the summer of 2021. Existing programs consist of a customer air conditioner management program, thermostat control, lighting incentive programs, and various innovative energy efficiency projects. Additionally, OPPD can reduce its demand with assistance from a number of large customers who utilize OPPD's curtailable rate options. During summer peak days, any demand reductions from these customers are coordinated with OPPD in advance of the peak afternoon hours.

Demand side resource programs have enjoyed the support of OPPD stakeholders. OPPD will continue to grow its demand side programs in the next 10 years. Benefits of this increase in demand side programs include helping OPPD to maintain its SPP reserve requirements. To grow its demand side resource portfolio, OPPD will increase existing programs and promote additional program types. An expansion to the Smart Thermostat Program was launched in May of 2021 which includes the addition of 3 more thermostat choices for residential customers. OPPD will build its demand side resource portfolio in manners which are cost effective and take into account customer expectations.

OPPD makes available a net-metering rate to all consumers that have a qualified generator. The qualified generator must be interconnected behind the consumer's service meter located on their premises and may consist of one or more sources as long as the aggregate nameplate capacity of all generators is 25 kW or less. The qualified generator must use as its energy source methane, wind, solar, biomass, hydropower or geothermal. OPPD's Board of Directors is currently reviewing modification to this policy

to increase the allowable limit to 100kW or less, with a decision expected in the August 2021 timeframe.

## MEAN

In January 2020, the MEAN Board of Directors approved a resolution establishing MEAN's 2050 Vision, with a goal of achieving a carbon neutral resource portfolio by the year 2050. MEAN's 2022 Integrated Resource Plan will form the initial direction for future actions and resource decisions to realize the 2050 Vision. Following the IRP's direction, MEAN staff will work in collaboration with Participants to construct policies around resource planning, portfolio optimization, and emissions reduction to achieve the 2050 carbon neutral goal.

The results of MEAN's previous IRP analysis and modeling favored a plan that would meet future MEAN capacity and energy needs by incorporating additional renewable resources into the portfolio. Renewable resource portfolios offered comparatively low costs in several scenarios as well as the potential to create local benefits for MEAN communities.

In serving the needs of its total membership, MEAN's system-wide resource portfolio includes 50% non-carbon resources on the basis of nameplate capacity, consisting of 32% WAPA hydro allocations, 14% renewables (wind, small hydro, and landfill gas), and 4% nuclear.

As a member driven and member owned utility, MEAN procures renewable energy assets at the direction of its owners. Currently, MEAN maintains a wind pool, which allows member communities to subscribe for purchase of a requested amount of wind energy on an annual basis. This allows each community to tailor its resource portfolio to meet its specific demands and obligations as individual municipal utilities have renewable goals that can range from 0% to 100% of energy requirements. MEAN annually surveys its owners to determine individual goals for renewable energy requirements. When there are significant changes in demand for renewable energy, the MEAN Board considers the approval of new renewable purchases. MEAN's wind pool is currently fully subscribed, and the Board is considering the need for additional wind energy.

In 2018, MEAN finalized the latest addition to its renewable energy portfolio. While MEAN's 10.5 MW wind project near Kimball, NE was decommissioned in 2017, a new 30 MW wind farm was constructed at the same Kimball site. MEAN has entered into a PPA to purchase the entirety of the energy generation of the wind farm.

MEAN is currently exploring community solar installations to satisfy community demands for localized green non-carbon initiatives. Based on the results of a survey soliciting the level of interest in locally-owned solar facilities, MEAN staff contacted Participants to further discussions and determined 12 communities ready to proceed toward solar procurement. MEAN is currently authoring a joint RFP for more advantageous pricing, which is projected for release in early summer of 2021. Bid awards are planned for late summer, and the start of construction planned for fall. An earlier attempt to facilitate a

joint community solar project was abandoned when, due to the resulting bid prices and economic climate in Participant communities, no interested parties decided to move forward with the purchase. Projections from solar developers indicate that pricing for this new RFP will be more favorable, increasing the likelihood of multiple installations. MEAN remains responsive to opportunities for utility-scale or community-scale solar projects in the best interest of the membership.

MEAN previously established a committee to focus on the integration of renewable resources within member communities. The increasing presence of renewable distributed generation offers unique opportunities that can benefit both MEAN and local residents. In 2017 and again in 2019, MEAN revised its Renewable Distributed Generation policy to increase the size of allowable community owned and locally-sited renewable energy resources. Should Participant communities desire a larger allowance for community-owned renewables, the Board can take up the issue for an increase in this limitation.

MEAN has utilized a variety of demand side management tools to help reduce load and energy requirements. MEAN presently administers an ENERGYsmart commercial LED lighting program, which includes cash incentives paid directly to commercial customers to help cover the cost of lighting upgrades and replacements. This program is available to commercial businesses of MEAN long-term power participants. In 2019, MEAN initiated additional energy efficiency incentives offered to residential end-use customers of its Participants. These new programs include rebates for programmable thermostats, residential insulation, and HVAC tune-ups. In May of 2021, the Board again approved an expansion of this program to include a residential heat pump program. MEAN staff continues to evaluate the benefits of additional energy efficiency and demand side management options to decrease demand-related costs for MEAN and its participants.

## LES

After participating in a yearlong educational series on establishing a new carbon reduction goal and soliciting public opinion, the LES Administrative Board in November 2020 adopted what LES believes to be one of the more aggressive decarbonization goals in the United States. This new goal will aim to achieve net-zero carbon dioxide production from LES' generation portfolio by 2040.

In the near term, LES plans to pursue the goal with the same approach it's used over the last decade; watching for opportunities to improve its generation portfolio while also reducing carbon emissions. This approach has yielded solid results to date, as from 2010 – 2020 LES has reduced its carbon dioxide emissions by 53% and the carbon intensity of the energy produced by 45%. On a nameplate basis, approximately one-third of LES' resources are currently fueled by coal, one-third fueled from natural gas, and one-third are renewables (primarily wind and hydro). In 2020, energy production from renewable sources was equivalent to 49% of LES' retail sales.

LES' Sustainable Energy Program (SEP) offers customers and contractors incentives for energy-efficient installations and upgrades at their home or business. First adopted in 2009, the SEP now offsets the energy use of about 13,000 average Lincoln homes.

Under the Peak Rewards program, LES leverages residential customers' own smart thermostats to pre-cool spaces prior to the initiation of an LES-controlled demand response event, allowing for a reduction in summer peak demand while still maintaining residential comfort. LES introduced a new demand response pilot program under the umbrella of Peak Rewards in 2021, incentivizing plug-in electric vehicle owners to also avoid charging during peak load periods.

LES has two programs that support customers wishing to pursue their own renewable generation. Under LES' net-metering rate rider, customers can install a 25-kW or smaller renewable generator to serve their homes or small businesses. LES also has a renewable generation rate for customers interested in generating and selling all output to the utility rather than serving a home or small business. Systems greater than 25 kW up to 100 kW will qualify for this rate. Customers under each rate receive a one-time capacity payment based on the value of the avoided generating capacity on system peak.

The energy payment amount for new installations is based on LES' existing retail rates and is scheduled to be reduced as predetermined, total service area renewable-installation thresholds are met over time. In early 2017, LES reached this first milestone, with applications exceeding 1 MW.

In August 2014, LES launched the SunShares program, allowing customers to voluntarily support a local community solar project through their monthly bill. This program led to LES contracting for a local, approximately 5-MW<sub>DC</sub>/4-MW<sub>AC</sub> solar facility, which began commercial operation in June 2016. The facility represents the first utility-scale solar project in Nebraska and is still one of the largest projects in the region.

The community solar project also supports LES' virtual net metering program. As part of this program, customers receive a credit on their monthly bill based on their level of enrollment and the actual output of the facility. Enrollment began in December 2016, with the first credits appearing on bills in January 2017. The enrollment fee was originally a one-time, upfront payment, but in 2019 LES also added the option for customers to pay the associated fee over 36 months via their normal LES bill. The program will run for nearly 20 years, coinciding with the life of the solar project contract.

#### Hastings Utilities

Hastings Utilities has no formal renewable energy goals but will monitor the economics and interest of renewable energy. Hastings Utilities will work with customers who are interested in pursuing renewable energy to find mutual benefit for a successful project. Hastings Utilities worked with its customer, Central Community College, to implement a 1.7 MW wind turbine on the Hastings CCC campus.

Hastings Utilities has completed the construction of a 1.5 MW Community Solar Project to respond to customer requests for renewable energy. Customers can participate by purchase of solar panels or solar shares. The project was completed in September of 2019.



Hastings Utilities is conducting an Integrated Resource Plan (IRP) study of current and future resources of generation.

#### City of Grand Island Utilities

Grand Island does not have any formal renewable/sustainable goals. The Grand Island City Council has directed the Utilities Department to explore opportunities as they develop. In 2017, Grand Island Utilities signed a Power Purchase Agreement with Sempra for 50 MW of Prairie Hills Wind Farm in Custer County, NE. This wind farm is currently awaiting the completion of the SPP interconnection study. It is expected to be online within a couple of years.

Grand Island Utilities approved its first small scale residential solar installation in 2015. Changes were made to City Code to accommodate demand side resources with an expectation that more resources will follow. Since then, several smaller scale residential solar generators have been installed. Additional changes to City Code have been made to allow larger renewable generation facilities between 25 KW and 100 KW. One facility in this category is anticipated by the end of 2020.

In 2017, Grand Island Utilities signed a Power Purchase Agreement for a 1 MW behind the meter solar installation with Sol Systems. This facility went into service in 2018.

#### City of Fremont Utilities

Fremont currently operates two solar arrays, which offers residents two options on the project. Electric customers can either purchase their own solar panels or purchase solar shares from the Community Solar Farm. Solar array #1 is 1.32 MW and solar array #2 is 0.99 MW. Fremont also has a Purchase Power Agreement with NextEra for 40.89 MW of wind energy from the Cottonwood Wind Farm in Webster County, NE.

### **SPP Generator Interconnection Queue**

The SPP Generator Interconnection Queue process provides a means for planners and developers to submit new generation interconnection projects into the Queue for validation, study, analysis and, ultimately, execution of a Generator Interconnection Agreement.

A listing of the projects in the Queue from June of this year for Nebraska shows around 1,745 nameplate megawatts for battery storage, 6,330 MW of solar, 7,731 MW of wind and 310 MW that is considered hybrid. For reference, there is at this time approximately 2,700 MW of nameplate wind installed in the State. Also listed are conventional combustion turbine and diesel generation amounting to 3,571 MW. Based on past history many or most of these proposed projects listed in the SPP Queue will not get built.

## **Distributed Generation**

Distributed generation is providing wholesale and retail power suppliers numerous new opportunities to interface with customers. Power purchase agreements with smaller wind developers are available to retail power suppliers in the magnitude of 1.5 to 10 MW. This is occurring due to agreements between the wholesale power suppliers and the retail power suppliers. These agreements allow for a portion of the retail power supplier's energy requirements to come from private renewable energy developers that are located behind the wholesale power supplier's meter.

Next, with the decline in the cost of solar installations, the continuation of tax benefits and net metering rates, retail customers are installing small scale solar arrays. As these installations prove more cost effective and with the development of small energy storage more of these installations are being constructed. These installations are being installed in both rural and residential applications. Also, larger solar array installations that are not eligible for net metering rates are being considered and installed. Many of these arrays are community solar projects. Lincoln Electric System contracted with a developer to install a 5 MW<sub>DC</sub> (4 MW<sub>AC</sub>) array where individuals can purchase shares. NPPD has retail communities with operating community solar facilities ranging in size from 100 kW to 5.7 MW. Other NPPD retail communities are interested in developing community solar array installations in sizes up to 8.5 MW<sub>AC</sub>. OPPD has a community solar facility sized at 5 MW. OPPD's customers have already subscribed to the full production of this facility. Therefore, more private involvement with local utilities is providing additional opportunities to increase the utilization of renewable energy.

In addition, an NPPD retail community also has plans to tie a 1 MW / 2 MWh Battery Energy Storage System (BESS) to a community solar project. The BESS will be charged through generation provided by the solar unit and discharged daily to accomplish several goals, such as demand management, voltage support, and smoothing and shifting variable renewable energy generation. The BESS unit will store approximately the amount of electricity that a small home would use over the course of two months.

Exhibit 6 lists all of the Nebraska renewable resources, with two columns identifying whether the resource is "Behind the Meter – Utility" or "Behind the Meter – Non Utility". Behind the Meter – Utility resources are those who have a signed Power Purchase contract or are owned by the utility.

## **Resource Life Considerations**

The Nuclear Regulatory Commission (NRC) determined in August 2014 that a new rule making was not required and confirmed that existing license renewals, where granted, provided a robust framework for second license renewals beyond the initial 20-year renewal term. In addition, no changes are needed to environmental regulations to allow for future license renewal activities.

Cooper Nuclear Station's (CNS) operating license is set to expire January 18, 2034. Although NPPD has not fully studied a second operating license renewal, for purposes of this report, it is assumed CNS will continue to operate through 2040.

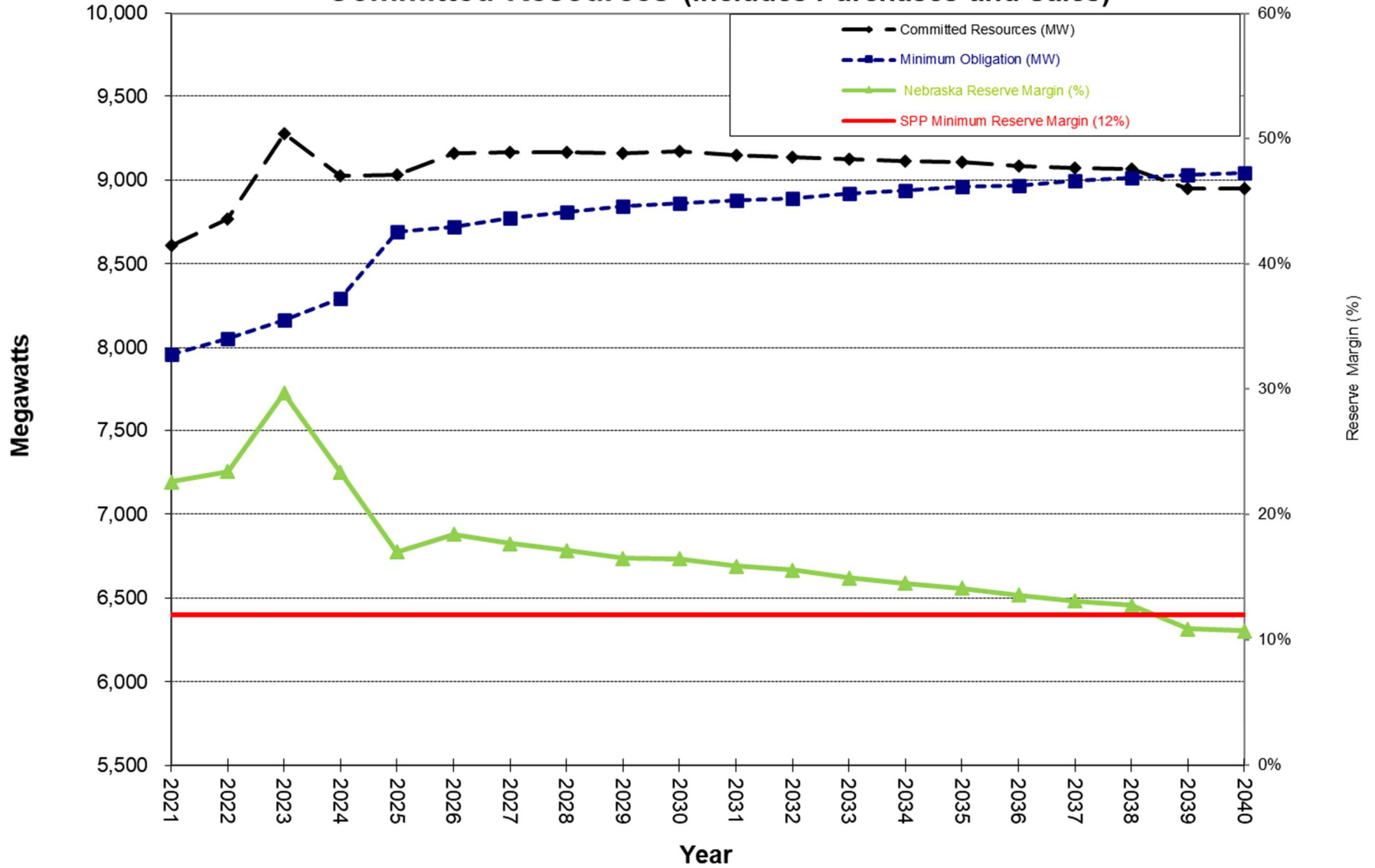
NPPD's listed North Platte and Columbus hydro facilities operate under a Federal Energy Regulatory Commission license. The North Platte facility is presently operating under a 40-year license, with the license requiring renewal in 2038. The Columbus Hydro facility received a new 30-year operating license, with the license requiring renewal in 2047. Given the focus on carbon free generation resources NPPD and Loup are assuming these facilities will continue to be maintained and licensed and will remain an essential part of NPPD's generation mix for an extended period of time.

The wind farms included in this report are shown at the life listed in the various power purchase agreements (PPA), usually 20 or 25 years. Most agreements have an option for life extension. Utilities will decide whether to exercise those options when the PPAs near their end. In order for those utilities to maintain their renewable goals these utilities will have to either exercise those options or develop other renewable resources.

Nebraska's existing generator capability resources are listed by unit in Exhibit 7. Nebraska has 7,673 MW of existing resources. 1,144 MW or 15% of that total are greater than 50 years old today. Another 2,774 MW or 36% are 41 to 50 years old today. Most of these units have no planned retirement date. By 2040 approximately 3,918 MW will reach 60 years of age in this 20-year study. Each utility will make their own determination on the life of their generating plants taking into account many factors, including economics. At this time, there are no plans to retire these older units unless stated in the report.

Although Nebraska has sufficient generating resources when including studied resources beyond 2040 as shown in Exhibits 3 & 4, utilities may face increased environmental restrictions that could require the retirement of older fossil units. This could advance the statewide need date several years earlier.

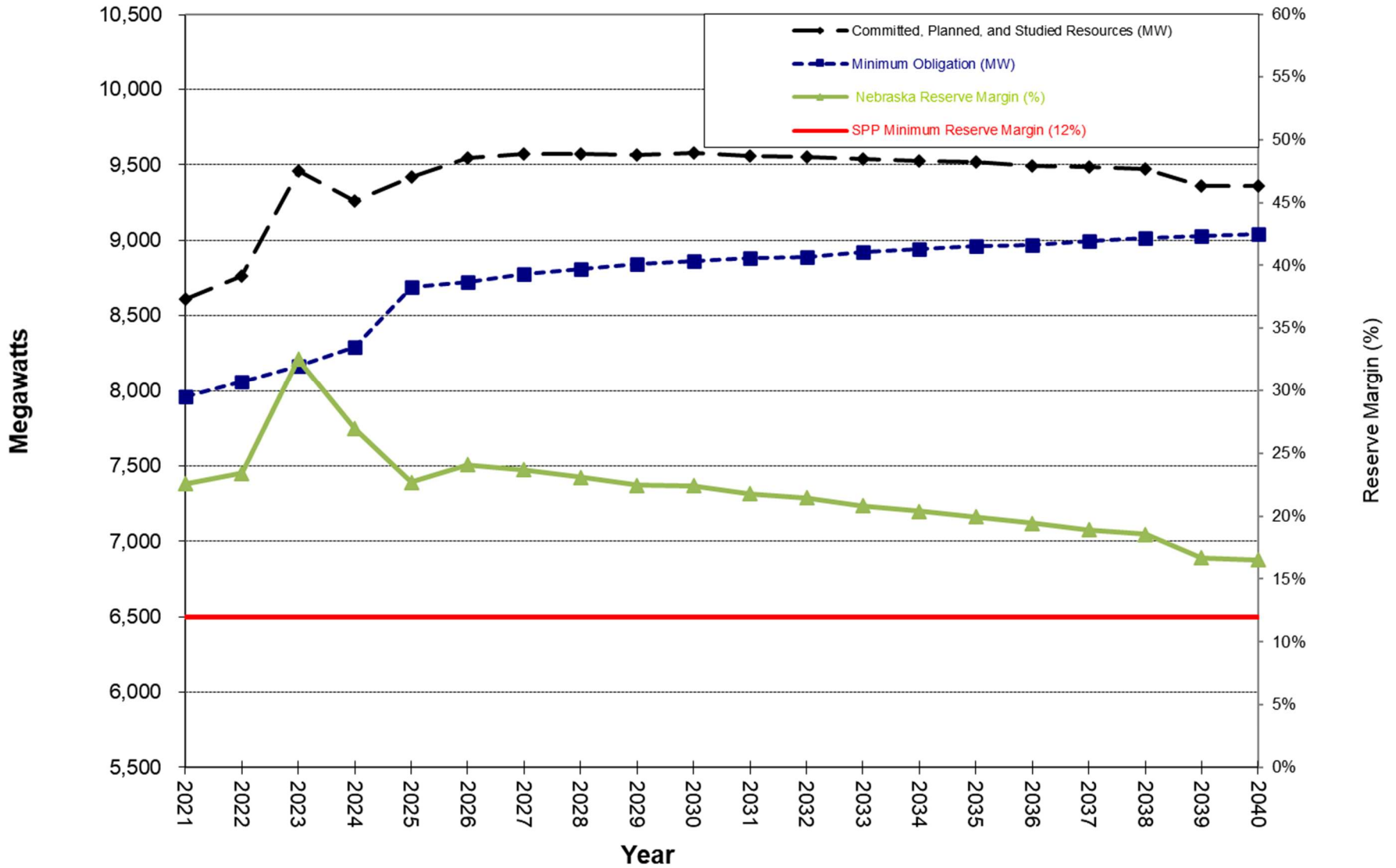
## EXHIBIT 1 Statewide Capability vs. Obligation Committed Resources (Includes Purchases and Sales)



**EXHIBIT 2**  
**NEBRASKA STATEWIDE**  
**Committed Load & Generating Capability in Megawatts**  
**Summer Conditions (June 1 to September 30)**

Year	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	
<b>1 Annual System Demand</b>	7,224	7,311	7,406	7,523	7,877	7,904	7,951	7,985	8,016	8,030	8,047	8,056	8,083	8,101	8,118	8,127	8,151	8,166	8,183	8,193	0.7%
<b>2 Firm Power Purchases - Total</b>	1,171	1,163	1,153	1,155	1,156	1,157	1,159	1,160	1,162	1,163	1,165	1,166	1,168	1,169	1,171	1,172	1,174	1,175	1,176	1,178	
<b>3 Firm Power Sales - Total</b>	77	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	
<b>4 Annual Net Peak Demand (1-2+3)</b>	6,130	6,211	6,315	6,431	6,783	6,808	6,854	6,886	6,916	6,928	6,944	6,952	6,977	6,994	7,009	7,017	7,040	7,053	7,068	7,077	
<b>5 Net Generating Capability (owned)</b>	7,673	7,678	8,346	7,995	7,993	7,991	7,989	7,987	7,982	7,993	7,979	7,958	7,945	7,932	7,921	7,894	7,885	7,876	7,761	7,761	
<b>6 Firm Capacity Purchases -Total</b>	1,054	1,067	1,039	921	815	817	823	819	813	813	802	805	802	802	803	803	803	802	795	793	
<b>7 Firm Capacity Sales -Total</b>	1,212	1,081	1,198	984	872	745	745	741	737	736	736	728	727	726	726	726	726	726	719	719	
<b>8 Adjusted Net Capacity (5+6-7)</b>	7,515	7,665	8,187	7,932	7,937	8,063	8,067	8,066	8,058	8,070	8,046	8,035	8,020	8,009	7,999	7,971	7,962	7,952	7,837	7,836	
<b>9 Net Reserve Capacity Obligation (4 x 0.12)</b>	736	745	758	772	814	817	823	826	830	831	833	834	837	839	841	842	845	846	848	849	
<b>10 Total Firm Capacity Obligation (4+9)</b>	6,865	6,956	7,073	7,202	7,597	7,625	7,677	7,713	7,746	7,760	7,778	7,786	7,814	7,833	7,850	7,859	7,884	7,899	7,916	7,927	
<b>11 Surplus or Deficit (-) Capacity @ Minimum Obligation (8-10)</b>	650	709	1,114	730	340	437	390	353	313	310	268	249	206	176	148	112	77	53	-79	-91	
<b>12 Nebraska Reserve Margin ((8-4)/4)</b>	22.6%	23.4%	29.6%	23.4%	17.0%	18.4%	17.7%	17.1%	16.5%	16.5%	15.9%	15.6%	15.0%	14.5%	14.1%	13.6%	13.1%	12.8%	10.9%	10.7%	
<b>13 Nebraska Capacity Margin ((8-4)/8)</b>	18.4%	19.0%	22.9%	18.9%	14.5%	15.6%	15.0%	14.6%	14.2%	14.1%	13.7%	13.5%	13.0%	12.7%	12.4%	12.0%	11.6%	11.3%	9.8%	9.7%	
<b>Committed Resources (MW) (8+2-3)</b>	8,609	8,766	9,279	9,025	9,031	9,158	9,164	9,165	9,158	9,172	9,149	9,139	9,126	9,116	9,107	9,081	9,074	9,065	8,952	8,952	
<b>Minimum Obligation (MW) (1+9)</b>	7,960	8,057	8,164	8,295	8,691	8,721	8,774	8,811	8,846	8,861	8,880	8,890	8,920	8,940	8,959	8,970	8,996	9,012	9,031	9,043	

### EXHIBIT 3 Statewide Capability vs. Obligation Committed, Planned & Studied Resources (Includes Purchases and Sales)



**EXHIBIT 4**  
**NEBRASKA STATEWIDE**  
**Committed, Planned & Studied Load & Generating Capability in Megawatts**  
**Summer Conditions (June 1 to September 30)**

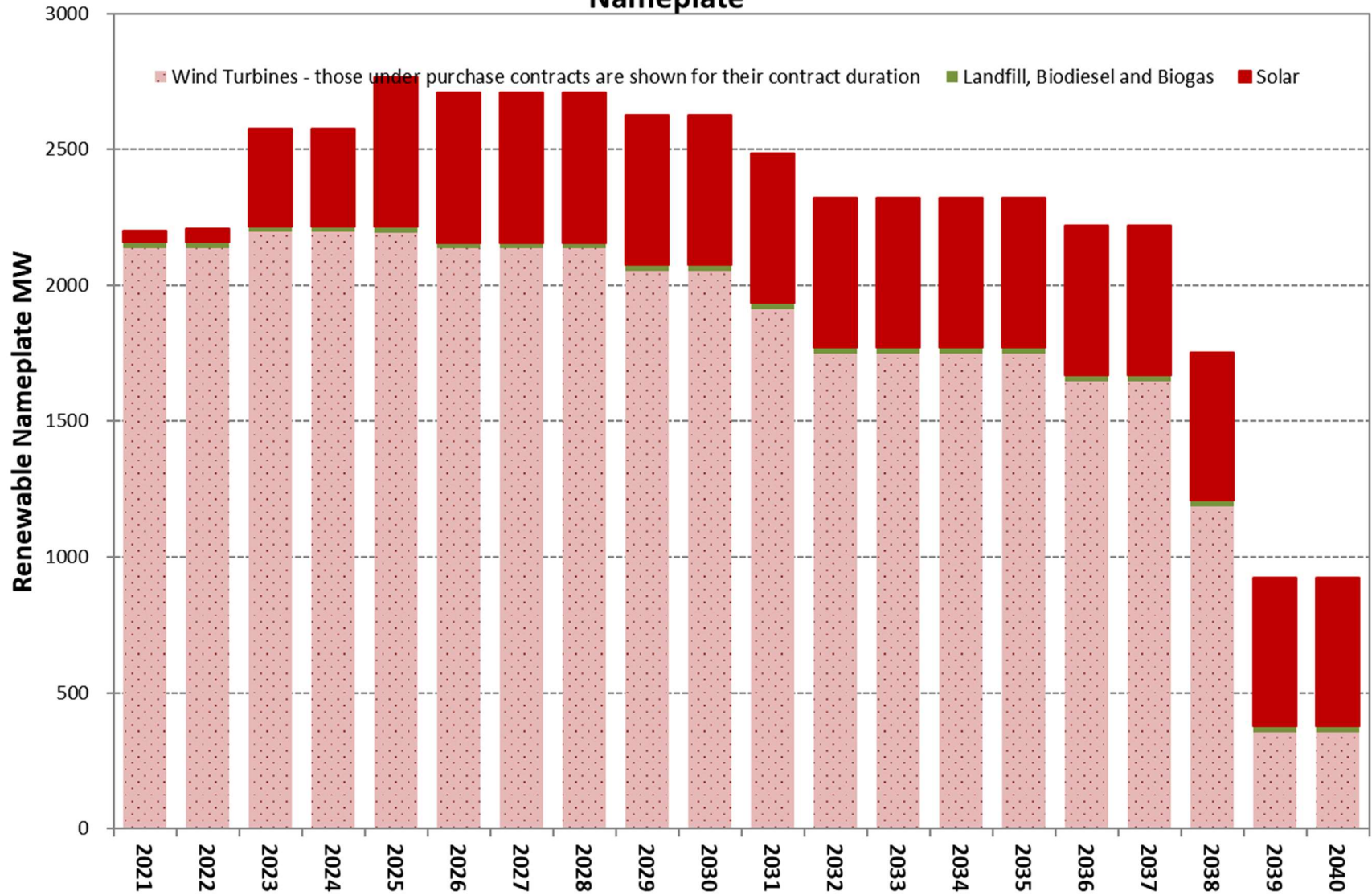
Year	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
<b>1 Annual System Demand</b>	7,224	7,311	7,406	7,523	7,877	7,904	7,951	7,985	8,016	8,030	8,047	8,056	8,083	8,101	8,118	8,127	8,151	8,166	8,183	8,193
<b>2 Firm Power Purchases - Total</b>	1,171	1,163	1,153	1,155	1,156	1,157	1,159	1,160	1,162	1,163	1,165	1,166	1,168	1,169	1,171	1,172	1,174	1,175	1,176	1,178
<b>3 Firm Power Sales - Total</b>	77	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62	62
<b>4 Annual Net Peak Demand (1-2+3)</b>	6,130	6,211	6,315	6,431	6,783	6,808	6,854	6,886	6,916	6,928	6,944	6,952	6,977	6,994	7,009	7,017	7,040	7,053	7,068	7,077
<b>5 Net Generating Capability (owned)</b>	7,673	7,678	8,529	8,227	8,378	8,376	8,399	8,398	8,392	8,403	8,390	8,368	8,355	8,342	8,332	8,304	8,295	8,286	8,171	8,171
<b>6 Firm Capacity Purchases -Total</b>	1,054	1,067	1,039	921	815	817	823	819	813	813	802	805	802	802	803	803	803	802	795	793
<b>7 Firm Capacity Sales -Total</b>	1,212	1,081	1,198	984	872	745	745	741	737	736	736	728	727	726	726	726	726	726	719	719
<b>8 Adjusted Net Capability (5+6-7)</b>	7,515	7,665	8,370	8,165	8,322	8,448	8,477	8,476	8,469	8,481	8,456	8,445	8,430	8,419	8,409	8,381	8,372	8,362	8,248	8,246
<b>9 Net Reserve Capacity Obligation (4 x 0.12)</b>	736	745	758	772	814	817	823	826	830	831	833	834	837	839	841	842	845	846	848	849
<b>10 Total Firm Capacity Obligation (4+9)</b>	6,865	6,956	7,073	7,202	7,597	7,625	7,677	7,713	7,746	7,760	7,778	7,786	7,814	7,833	7,850	7,859	7,884	7,899	7,916	7,927
<b>11 Surplus or Deficit (-) Capacity @ Minimum Obligation (8-10)</b>	650	709	1,297	963	725	823	800	764	723	721	678	659	616	586	558	522	488	463	331	319
<b>12 Nebraska Reserve Margin ((8-4)/4)</b>	22.6%	23.4%	32.5%	27.0%	22.7%	24.1%	23.7%	23.1%	22.5%	22.4%	21.8%	21.5%	20.8%	20.4%	20.0%	19.4%	18.9%	18.6%	16.7%	16.5%
<b>13 Nebraska Capacity Margin ((8-4)/8)</b>	18.4%	19.0%	24.5%	21.2%	18.5%	19.4%	19.1%	18.8%	18.3%	18.3%	17.9%	17.7%	17.2%	16.9%	16.6%	16.3%	15.9%	15.7%	14.3%	14.2%
<b>Committed, Planned and Studied Resources (MW) (8+2-3)</b>	8,609	8,766	9,461	9,258	9,416	9,543	9,574	9,575	9,568	9,582	9,559	9,549	9,536	9,526	9,517	9,491	9,484	9,476	9,362	9,362
<b>Minimum Obligation (MW) (1+9)</b>	7,960	8,057	8,164	8,295	8,691	8,721	8,774	8,811	8,846	8,861	8,880	8,890	8,920	8,940	8,959	8,970	8,996	9,012	9,031	9,043







**EXHIBIT 6.1**  
**Statewide Renewable (Wind, Landfill, Solar and Biofuels) Generation by Nameplate**



**EXHIBIT 7**

**2021 Statewide Existing Generating Capability Data**

Utility	Unit Name	Duty Cycle	Unit Type	Fuel Type	Commercial	Summer	Summer Utility
					Operation	Accredited	
					Date	Capacity	Capacity
Towns/Districts	Cottonwood Wind NNPPD	I	WT	WND	2018	6.00	
	Cottonwood Wind SSC	I	WT	WND	2018	0.78	
	Cottonwood Wind Farm	I	WT	WND	2018	1.61	
	S. Sioux City NG Generation	P	IC	NG	2020	0.00	
<b>Towns/District</b>							<b>8.4</b>
Falls City	Falls City #7	P	IC	NG/DFO	1972	2.00	
	Falls City #8	P	IC	NG/DFO	1981	5.00	
	Falls City	P	IC	NG/DFO	2018	9.00	
<b>Falls City</b>	<b>Total</b>						<b>16.0</b>
Fremont	Fremont #6	B	ST	SUB/NG	1958	15.50	
	Fremont #7	B	ST	SUB/NG	1963	21.00	
	Fremont #8	B	ST	SUB/NG	1976	82.00	
	CT	P	GT	NG/DFO	2003	36.00	
	Cottonwood Wind Farm	I	WT	WND	2018	2.04	
<b>Fremont</b>	<b>Total</b>						<b>156.5</b>
Grand Island	Burdick GT1	P	GT	NG/DFO	1968	13.00	
	Burdick GT2	P	GT	NG/DFO	2003	34.00	
	Burdick GT3	P	GT	NG/DFO	2003	34.00	
	Platte Generating Station	B	ST	SUB	1982	100.00	
	Prairie Breeze 3 Wind	I	WT	WND	2016	0.00	
<b>Grand Island</b>	<b>Total</b>						<b>181.0</b>
Hastings	CCC Hastings Wind	I	WT	WND	2016	0.00	
	DHPC-#1	P	GT	NG/DFO	1972	18.00	
	Hastings-NDS#4	P	ST	NG/DFO	1957	16.00	
	Hastings-NDS#5	P	ST	NG/DFO	1967	24.00	
	Whelan Energy Center #1	B	ST	SUB	1981	76.00	
	Whelan Energy Center #2	B	ST	SUB	2011	220.00	
<b>Hastings</b>	<b>Total</b>						<b>354.0</b>
LES	Arbuckle Mtn. Wind	I	WT	WND	2016	18.00	
	Buckeye Wind	I	WT	WND	2016	66.60	
	J St	P	GT	NG/DFO	1972	29.30	
	Landfill Gas	B	IC	LFG	2014	4.80	
	Laramie River #1	B	ST	SUB	1982	198.00	
	LES Community Solar	B	PV	SUN	2016	0.00	
	Prairie Breeze 2 Wind	I	WT	WND	2016	19.00	
	Rokeby 1	P	GT	NG/DFO	1975	70.50	
	Rokeby 2	P	GT	NG/DFO	1997	90.40	
	Rokeby 3	P	GT	NG/DFO	2001	94.20	
	LES Wind Turbines	I	WT	WND	1999	0.00	
	Terry Bundy	P	CS	NG/DFO	2003	118.50	
	Terry Bundy	P	GT	NG/DFO	2003	45.40	
	Walter Scott #4	B	ST	SUB	2007	102.70	
<b>LES</b>	<b>Total</b>						<b>857.4</b>
MEAN	Alliance #1	P	IC	DFO	2002	1.8373	
	Alliance #2	P	IC	DFO	2002	1.8570	
	Alliance #3	P	IC	DFO	2002	1.8078	
	Ansley #2	P	IC	NG/DFO	1972	0.8090	
	Ansley #3	P	IC	NG/DFO	1968	0.5410	
	Benkelman #1	P	IC	NG/DFO	1968	0.7850	
	Broken Bow #2	P	IC	NG/DFO	1971	3.0851	
	Broken Bow #4	P	IC	NG/DFO	1949	0.7891	
	Broken Bow #5	P	IC	NG/DFO	1959	0.9875	
	Broken Bow #6	P	IC	NG/DFO	1961	2.0383	
	Burwell#2	P	IC	NG/DFO	1962	0.7895	
	Burwell#3	P	IC	NG/DFO	1967	1.0215	
	Burwell#4	P	IC	NG/DFO	1972	1.2070	

**EXHIBIT 7**

**2021 Statewide Existing Generating Capability Data**

<b>Utility</b>	<b>Unit Name</b>	<b>Duty Cycle</b>	<b>Unit Type</b>	<b>Fuel Type</b>	<b>Commercial Operation Date</b>	<b>Summer Accredited Capacity</b>	<b>Summer Utility Capacity</b>
MEAN (contd)	Callaway #3	P	IC	DFO	1958	0.4960	
	Callaway #4	P	IC	DFO	2004	0.3790	
	Chappell #5	P	IC	DFO	1982	0.8500	
	Crete #7	P	IC	NG/DFO	1972	6.1510	
	Curtis #1	P	IC	NG/DFO	1975	1.1983	
	Curtis #2	P	IC	NG/DFO	1969	1.0698	
	Curtis #4	P	IC	NG/DFO	1955	0.7979	
	Kimball #1	P	IC	NG/DFO	1955	0.59	
	Kimball #2	P	IC	NG/DFO	1956	0.51	
	Kimball #3	P	IC	NG/DFO	1959	0.67	
	Kimball #4	P	IC	NG/DFO	1960	0.65	
	Kimball #5	P	IC	NG/DFO	1951	0.41	
	Kimball #6	P	IC	NG/DFO	1975	2.17	
	Oxford #2	P	IC	NG/DFO	1952	0.67	
	Oxford #3	P	IC	NG/DFO	1956	0.86	
	Oxford #4	P	IC	NG/DFO	1956	0.63	
	Oxford #5	P	IC	DFO	1972	1.29	
	Pender #2	P	IC	NG/DFO	1973	1.861	
	Pender #3					0.651	
	Pender #4	P	IC	DFO	1961	0.788	
	Red Cloud #2	P	IC	NG/DFO	1953	0.630	
	Red Cloud #3	P	IC	NG/DFO	1960	0.970	
	Red Cloud #4	P	IC	NG/DFO	1968	0.994	
	Red Cloud #5	P	IC	NG/DFO	1974	1.606	
	Stuart #1	P	IC	NG/DFO	1965	0.734	
	Stuart #4	P	IC	NG/DFO	1996	0.809	
	West Point #2	P	IC	NG/DFO	1947	2.171	
	West Point #3	P	IC	NG/DFO	1959	1.113	
	West Point #4	P	IC	NG/DFO	1965	0.861	
	Wisner #4	P	IC	DFO	2008	1.000	
	Wisner #5	P	IC	DFO	2008	<u>1.000</u>	
<b>MEAN</b>	<b>Total</b>						<b>52.1</b>
<b>NPPD</b>	ADM	B	ST	SUB	2009	67.10	
	<b>Ainsworth Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2005</b>	<b>5.73</b>	
	Auburn #1	P	IC	NG/DFO	1982	2.00	
	Auburn #2	P	IC	NG/DFO	1949	1.00	
	Auburn #4	P	IC	NG/DFO	1993	3.00	
	Auburn #5	P	IC	NG/DFO	1973	3.00	
	Auburn #6	P	IC	NG/DFO	1967	2.00	
	Auburn #7	P	IC	NG/DFO	1987	5.00	
	Beatrice Power Station	I	CS	NG	2005	220.00	
	Belleville 4	P	IC	NG/DFO	1955	0.00	
	Belleville 5	P	IC	NG/DFO	1961	1.40	
	Belleville 6	P	IC	NG/DFO	1966	2.50	
	Belleville 7	P	IC	NG/DFO	1971	3.30	
	Belleville 8	P	IC	NG/DFO	2006	2.80	
	<b>Broken Bow Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2013</b>	<b>8.74</b>	
	<b>Broken Bow II Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2014</b>	<b>5.35</b>	
	Cambridge	P	IC	DFO	1972	3.00	
	Canaday	P	ST	NG	1958	99.30	
	<b>Columbus 1</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1936</b>	<b>15.00</b>	
	<b>Columbus 2</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1936</b>	<b>15.00</b>	
	<b>Columbus 3</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1936</b>	<b>15.00</b>	
	<b>Cooper</b>	<b>B</b>	<b>ST</b>	<b>NUC</b>	<b>1974</b>	<b>770.00</b>	

**EXHIBIT 7**

**2021 Statewide Existing Generating Capability Data**

<b>Utility</b>	<b>Unit Name</b>	<b>Duty Cycle</b>	<b>Unit Type</b>	<b>Fuel Type</b>	<b>Commercial Operation Date</b>	<b>Summer Accredited Capacity</b>	<b>Summer Utility Capacity</b>
NPPD (contd)	<b>Crofton Bluffs Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2013</b>	<b>5.10</b>	
	David City 1	P	IC	NG/DFO	1960	1.30	
	David City 2	P	IC	DFO	1949	0.80	
	David City 3	P	IC	NG/DFO	1955	0.90	
	David City 4	P	IC	NG/DFO	1966	1.80	
	David City 5	P	IC	DFO	1996	1.33	
	David City 6	P	IC	DFO	1996	1.33	
	David City 7	P	IC	DFO	1996	1.34	
	<b>Elkhorn Ridge Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2009</b>	<b>6.25</b>	
	Emerson #2	P	IC	NG/DFO	1968	1.00	
	Emerson #3	P	IC	NG/DFO	1948	0.00	
	Emerson #4	P	IC	NG/DFO	1958	0.39	
	Franklin 1	P	IC	NG/DFO	1963	0.92	
	Franklin 2	P	IC	NG/DFO	1974	1.00	
	Franklin 3	P	IC	NG/DFO	1968	1.00	
	Franklin 4	P	IC	NG/DFO	1955	0.83	
	<b>Gentleman 1</b>	<b>B</b>	<b>ST</b>	<b>SUB</b>	<b>1979</b>	<b>665.00</b>	
	<b>Gentleman 2</b>	<b>B</b>	<b>ST</b>	<b>SUB</b>	<b>1982</b>	<b>700.00</b>	
	Hallam	P	GT	DFO	1973	41.95	
	Hebron	P	GT	NG	1973	41.50	
	<b>Jeffrey 1 (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1940</b>	<b>0.00</b>	
	<b>Jeffrey 2 (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1940</b>	<b>0.00</b>	
	<b>Johnson I 1 (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1940</b>	<b>0.00</b>	
	<b>Johnson I 2 (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1940</b>	<b>0.00</b>	
	<b>Johnson II (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1940</b>	<b>0.00</b>	
	<b>Kearney</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1921</b>	<b>0.00</b>	
	<b>Kingsley (CNPPID)</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1985</b>	<b>41.67</b>	
	<b>Laredo Ridge Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2011</b>	<b>10.65</b>	
	Madison 1	P	IC	NG/DFO	1969	1.70	
	Madison 2	P	IC	NG/DFO	1959	0.95	
	Madison 3	P	IC	NG/DFO	1953	0.85	
	Madison 4	P	IC	DFO	1946	0.50	
	McCook	P	GT	DFO	1973	39.70	
	<b>Monroe</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1936</b>	<b>3.00</b>	
	<b>North Platte 1</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1935</b>	<b>12.00</b>	
	<b>North Platte 2</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1935</b>	<b>12.00</b>	
	Ord 1	P	IC	NG/DFO	1973	5.00	
	Ord 2	P	IC	NG/DFO	1966	1.00	
	Ord 3	P	IC	NG/DFO	1963	2.00	
	Ord 4	P	IC	DFO	1997	1.40	
	Ord 5	P	IC	DFO	1997	1.40	
	<b>Sheldon 1</b>	<b>B</b>	<b>ST</b>	<b>SUB</b>	<b>1961</b>	<b>104.00</b>	
	<b>Sheldon 2</b>	<b>B</b>	<b>ST</b>	<b>SUB</b>	<b>1965</b>	<b>115.00</b>	
	<b>Spencer 1</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1927</b>	<b>0.00</b>	
	<b>Spencer 2</b>	<b>B</b>	<b>HY</b>	<b>WAT</b>	<b>1952</b>	<b>0.00</b>	
	<b>Springview Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2012</b>	<b>0.29</b>	
	<b>Steele Flats Wind</b>	<b>I</b>	<b>WT</b>	<b>WND</b>	<b>2013</b>	<b>7.26</b>	
	Wahoo #1	P	IC	NG/DFO	1960	1.70	
	Wahoo #3	P	IC	NG/DFO	1973	3.60	
	Wahoo #5	P	IC	NG/DFO	1952	1.80	
	Wahoo #6	P	IC	NG/DFO	1969	2.90	
	Western Sugar	B	ST	SUB	2014	4.55	
	Wilber 4	P	IC	DFO	1949	0.78	
	Wilber 5	P	IC	DFO	1958	0.59	
	Wilber 6	P	IC	DFO	1997	1.57	
<b>NPPD</b>	<b>Total</b>						<b>3,101.8</b>

**EXHIBIT 7  
2021 Statewide Existing Generating Capability Data**

Utility	Unit Name	Duty Cycle	Unit Type	Fuel Type	Commercial Operation Date	Summer Accredited Capacity	Summer Utility Capacity	
Wakefield	Wakefield 2	P	IC	NG/DFO	1955	0.54		
	Wakefield 4	P	IC	NG/DFO	1961	0.69		
	Wakefield 5	P	IC	NG/DFO	1966	1.08		
	Wakefield 6	P	IC	NG/DFO	1971	1.13		
	<b>Total</b>						<b>3.4</b>	
Wayne	Wayne 1	P	IC	DFO	1951	0.75		
	Wayne 3	P	IC	DFO	1956	1.75		
	Wayne 4	P	IC	DFO	1960	1.85		
	Wayne 5	P	IC	DFO	1966	3.25		
	Wayne 6	P	IC	DFO	1968	4.90		
	Wayne 7	P	IC	DFO	1998	3.25		
	Wayne 8	P	IC	DFO	1998	3.25		
	<b>Total</b>						<b>19.0</b>	
Nebraska City	Nebraska City #5	P	IC	NG/DFO	1964	1.60		
	Nebraska City #6	P	IC	NG/DFO	1967	1.50		
	Nebraska City #7	P	IC	NG/DFO	1969	1.50		
	Nebraska City #8	P	IC	NG/DFO	1970	3.50		
	Nebraska City #9	P	IC	NG/DFO	1974	5.60		
	Nebraska City #10	P	IC	NG/DFO	1979	5.80		
	Nebraska City #11	P	IC	NG/DFO	1998	4.00		
	Nebraska City #12	P	IC	NG/DFO	1998	4.00		
	<b>Total</b>						<b>27.5</b>	
	NELIGH	Neligh	P	IC	OBL	2012	1.90	
		Neligh	P	IC	OBL	2012	1.90	
		Neligh	P	IC	OBL	2012	1.91	
Neligh		P	IC	OBL	2012	0.41		
<b>Total</b>						<b>6.1</b>		
OPPD	Cass County #1	P	GT	NG	2003	162.00		
	Cass County #2	P	GT	NG	2003	161.80		
	Elk City Station #1-4	B	IC	LFG	2002	3.09		
	Elk City Station #5-8	B	IC	LFG	2006	2.92		
	Fiat Water Wind	I	WT	WND	2011	13.10		
	Grande Prairie Wind	I	WT	WND	2016	64.50		
	Jones St. #1	P	GT	DFO	1973	61.20		
	Jones St. #2	P	GT	DFO	1973	62.20		
	Nebraska City #1	B	ST	SUB	1979	654.30		
	Nebraska City #2	B	ST	SUB	2009	691.00		
	North Omaha #1	B	ST	NG	1954	64.80		
	North Omaha #2	B	ST	NG	1957	90.80		
	North Omaha #3	B	ST	NG	1959	86.00		
	North Omaha #4	B	ST	SUB/NG	1963	120.10		
	North Omaha #5	B	ST	SUB/NG	1968	216.20		
	Petersburg Wind	I	WT	WND	2012	8.00		
	Prairie Breeze Wind	I	WT	WND	2014	43.10		
	Sarpy County #1	P	GT	NG/DFO	1972	55.40		
	Sarpy County #2	P	GT	NG/DFO	1972	55.90		
	Sarpy County #3	P	GT	NG/DFO	1996	107.80		
	Sarpy County #4	P	GT	NG/DFO	2000	48.70		
	Sarpy County #5	P	GT	NG/DFO	2000	47.90		
	Sholes Wind	I	WT	WND	2019	58.30		
	Tecumseh #1	P	IC	DFO	1949	0.60		
	Tecumseh #2	P	IC	DFO	1968	1.40		
	Tecumseh #3	P	IC	DFO	1952	1.00		
	Tecumseh #4	P	IC	DFO	1960	1.20		
	Tecumseh #5	P	IC	DFO	1993	2.30		
	<b>Total</b>						<b>2,885.6</b>	
	SCRIBNER	Scribner #1	P	IC	OBL	2020	2.00	
Scribner #2		P	IC	OBL	2020	2.00		
<b>Total</b>						<b>4.0</b>		
<b>Nebraska Grand Total</b>							<b>TOTAL</b>	
	<b>Duty Cycle</b>			<b>Fuel Type*</b>				
	B-Base			NUC-Uranium		OBL-Biodiesel		
	I-Intermediate			NG-Natural Gas		WAT-Hydro		
	P-Peaking			DFO-Distillate Fuel Oil		LFG-Landfill Gas		
		<b>Unit Type*</b>		SUB-Subbituminous Coal		WND-Wind		
		IC-Internal Combustion, Reciprocating						
		ST-Steam Turbine, does not include combined cycle						
		GT-Combustion Turbine, including aeroderivatives						
		CA-Combined Cycle, Steam part						
		CT-Combined Cycle, Combustion Turbine part						
		HY-Hydro						
		PV-Photovoltaic						
		WT-Wind Turbine						
		FC-Fuel Cell						
		WH-Waste Heat, used for combined cycle ST without supplemental firing						

### EXHIBIT 7.1

## Statewide Renewable and Greenhouse Gas Mitigating Resources, MW

